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A COMPILATION
OF THE
STATUTES PASSED SINCE CONFEDERATION
RELATING TO
BANKS AND BANKING
GOVERNMENT AND OTHER SAVINGS BANKS, PROMISSORY NOTES
AND BILLS OF EXCHANGE, AND INTEREST AND USURY
IN NEW BRUNSWICK AND NOVA SCOTIA,
TOGETHER WITH
EXTRACTS FROM THE CRIMINAL LAW,
AND
AN ANALYTICAL INDEX;
TO WHICH IS ADDED A LIST OF THE STATUTES PASSED SINCE 1867, AFFECTING
OR CREATING BANK CHARTERS.
By C. P. DAVIDSON, Esq., Q. C.

Montreal :
PRINTED AT THE "GAZETTE" PRINTING HOUSE.
1876

ENTERED according to Act of Parliament of Canada, in the year 1876, by
T. & R. WHITE, in the Office of the Minister of Agriculture.

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CAP. XLVI.*

An Act to enable Banks in any part of Canada to use
Notes of the Dominion instead of issuing Notes of
their own.

[Assented to 22nd May, 1868.]

HER MAJESTY, by and with the advice and consent of the Preamble.
Senate and House of Commons of Canada, enacts as follows:

1. The Governor in Council may enter into arrangements with all or any of the Chartered Banks in this Dominion for the surrender, on or before the first day of June, one thousand eight hundred and seventy, of their power to issue notes;—and in compensation for such surrender, an annual sum not exceeding five per cent upon the amount of its circulation, as established with respect to any Bank in the Province of Quebec or Ontario, by the monthly return upon the thirtieth day of April, one thousand eight hundred and sixty-six, and with respect to any Bank in Nova Scotia or New Brunswick, and to any Bank in the late Province of Canada, incorporated since the said last mentioned day,—and in such manner as the Governor in Council may deem satisfactory, shall be payable by the Dominion to each Bank so surrendering its power of issue and redeeming its notes in circulation, until the expiration of its charter, or such other period as Parliament may appoint; and the Receiver General shall receive any Provincial Debentures or other government securities now held by any such Bank in compliance with the requirements of its charter, in exchange for Notes of the Dominion; and shall also pay to such Bank one half the estimated cost of its unissued notes.

Governor in Council may arrange with Banks for surrender of power to issue notes. Compensation to be paid.

Exchange of Govt. securities for Provincial Notes.

2. In entering into any such arrangement as aforesaid with any Bank, the Governor in Council may provide either for the immediate or the gradual surrender of its power to issue notes, such gradual surrender not extending over a period of more than twelve months;

Surrender may be gradual or immediate.

* See 33 Vic., cap. 10; 35 Vic., cap. 7, and 38 Vic., cap. 5, regulating the issue of Dominion Notes. By 39 Vic., cap. 4, all these Acts are extended to Prince Edward Island, British Columbia and Manitoba.

Exchange of
certain Deben-
tures for Do-
minion Notes.

months; but in such a case the exchange of Dominion Notes for such Debentures and government securities as aforesaid, held by the Bank under the requirements of its charter, shall be made only in equal proportion to the amount of its notes actually redeemed and withdrawn from circulation, as shown by its monthly returns.

No obligation
to hold debentures
after
surrender.

3. From the date of any such arrangement with any Bank, it shall no longer be bound to hold any Provincial Debentures or other government securities which it may be now required by law to hold.

Weekly re-
turns to the
Auditor; and
payment of
compensation,
half yearly.

4. Every Bank so surrendering its power to issue notes shall make a weekly return to the Auditor of its notes redeemed and withdrawn from circulation, and of those still outstanding, and the compensation hereinbefore authorized shall be paid to it half yearly in proportion to the amount so redeemed and withdrawn, computed on the average of the weekly returns for the half year, until the amount redeemed is equal to nine-tenths of its circulation, on the thirtieth day of April, one thousand eight hundred and sixty-six, when it shall be entitled to compensation on the full amount thereof.

Powers of
Governor in
Council in
making arrange-
ment with
any Bank.

5. The powers of the Governor in Council in making an arrangement with any Bank for the surrender of its power to issue notes, shall extend to any provisions which may be deemed expedient respecting the redemption of the notes of such Bank, or the right of re-issuing any such notes during the period agreed upon for the gradual redemption thereof, and generally to all provisions which the Governor in Council may deem expedient to the convenient working of this Act, and not inconsistent with the enactments contained in it, subject, nevertheless, to the arrangements already made under the authority of the Act of the late Province of Canada hereinafter mentioned; and any Order in Council for giving effect to such provisions shall have the force of law.

Power to
resume right
of issue.

6. Any Bank which may have surrendered its power to issue notes, may resume such power after giving at least three months notice in writing to the Receiver General, and publishing such notice during the like period in the *Canada Gazette*; but such Bank shall, from the expiration of such notice, cease to receive compensation on its notes withdrawn from circulation, and shall pay back to the Receiver General any sum it has received from him in Dominion notes in exchange for Provincial Debentures or other Government securities, which shall then be redelivered to the Bank, and the Bank shall be bound to hold the amount of Provincial Debentures or other securities required by its charter, before it shall resume the issue of notes.

Consequence
of resumption.

Notes for
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7. No Bank surrendering its power to issue notes shall thereby be deprived of its claim to any privilege or power which shall be granted to other Banks on the renewal of their charters, in the year one thousand eight hundred and seventy.

As to rights
on renewal of
charters.

8. And whereas by an Act of the Legislature of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's Reign, and intituled: "An Act to provide for the issue of Provincial Notes," the Governor of that Province in Council was empowered to authorize the issue of Provincial Notes for the general purposes of the Province, to the amount of five millions of dollars, and to a further amount not exceeding three millions of dollars for purposes relative to the surrender by all or any of the chartered Banks of the Province of their power to issue notes, under provisions similar to those made in this Act, and it was provided that such notes should be of such denominational values and in such form as the Governor in Council might direct, and be redeemable in specie on presentation at offices to be established at Montreal and Toronto, and at that one of the said places at which they were respectively made payable, and should be a legal tender except at the offices aforesaid: And whereas such Provincial Notes to the amount of five millions of dollars were in pursuance of the said Act issued for the general purposes of the Province, and a further amount for purposes relative to the surrender by the Bank of Montreal of its power to issue notes, and for such other purposes provided for by the aforesaid Act as are specified in the agreement with the said Bank approved of by the Governor in Council; and Provincial Notes to an amount equal in the whole to eight millions of dollars, were engraved and prepared for issue: therefore, the Provincial Notes issued or prepared for issue as aforesaid, to an amount not exceeding in the whole eight millions of dollars, shall be held to be Notes of the Dominion of Canada, and having been or being hereafter issued under the Act above cited or this Act, shall be redeemable in specie on presentation at offices established or to be established at Montreal, Toronto, Halifax and St. John (New Brunswick), and at that one of the said places at which they may be respectively made payable, and being so redeemed may and might be again re-issued for the general purposes of the Dominion, and shall be (as provided by the Act before cited,) a legal tender except at the offices at which they are respectively made payable;—and the said eight millions of dollars in such notes not issued under the provisions of the Act before cited, may be issued as Dominion Notes for the purposes of this Act;

Recital.

29 30 V. c. 10.

Certain Provincial Notes issued under that Act to be Dominion Notes; redemption, re-issue, &c.

Issue of balance not yet issued.

Provided

Proviso : as to notes redeemable at Halifax.

Provided always, that such of the said Notes as are made payable at Halifax, shall, so long as the currency of Nova Scotia remains such as it now is, be redeemable in that currency, that is, at the rate of one pound sterling, English, for every five dollars of the face value of such notes: and shall be a legal tender in Nova Scotia only;

Proviso : for issue of Dominion Notes instead of Provincial Notes redeemed.

And provided also, that instead of re-issuing any such Provincial Notes, the Governor in Council may authorize the issue of Dominion Notes to an amount not exceeding that of the Provincial Notes redeemed, and such Dominion Notes may be of such denominational values and in such form, and signed by such persons and in such manner, by lithograph, printing or otherwise as he may from time to time direct, and such Notes shall be redeemable in specie on presentation at offices to be established at Montreal, Toronto, Halifax and St. John, and at that one of the said places at which they may be respectively made payable; subject always to the foregoing proviso as to those made payable at Halifax, so long as the currency of Nova Scotia remains unchanged.

Offices for redemption of notes.

9. The Governor may in his discretion establish branches of the Receiver General's department in Montreal, Toronto, Halifax and St. John, respectively, for the issue and redemption of Provincial or Dominion Notes, or he may make arrangements with any chartered Bank or Banks, for the issue and redemption thereof, and may for such service allow a commission not exceeding one quarter of one per cent. for every three months, upon the average amount of notes in circulation during that period.

Sums to be held in specie for redemption of Provincial or Dominion Notes :

10. The sum to be held in specie by the Receiver General for the redemption of Provincial or Dominion Notes, shall be twenty per cent. upon the amount thereof in circulation, so long as such amount does not exceed five millions of dollars; for any excess over five millions, twenty-five per cent. of such excess shall be so held; and Debentures of the late Province of Canada or of the Dominion of Canada, shall be held by the Receiver General, to the full amount by which the specie held as aforesaid fails to cover the whole amount of Provincial or Dominion Notes outstanding at any time; and debentures of the Dominion may be issued and delivered to the Receiver General for this purpose; such debentures being so held for securing the redemption of the Provincial or Dominion Notes, and the Receiver General having full power to dispose of them, either temporarily or absolutely, for raising funds for that purpose, or for procuring the amounts of specie to be held by him under the provisions of this section.

Debentures for any difference between such specie and amount of notes.

Power of Receiver General.

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11. The Governor in Council shall, from time to time, appoint Commissioners, three for the Province of Ontario, and three for the Province of Quebec, two for Nova Scotia and New Brunswick, with such remuneration as he shall determine, whose duty it shall be to examine on the first Wednesday of every month, or on such other days as may be from time to time directed by the Governor in Council, into the number of Provincial or Dominion Notes then issued and outstanding at the Branch Departments of the Receiver General, or the offices of the Banks issuing the same, at Montreal, Toronto, Halifax and St. John, respectively, and also into the amount of specie and debentures then held at the said places respectively for the redemption of such notes; and upon such examination, the said Commissioners for each of the said Provinces respectively, or any two of them, shall return the result of such examination under oath to the Auditor, who shall publish such return in the next number of the *Canada Gazette*; and such oath shall be in the following form, or in such other form as may from time to time be directed by order in Council, and if wilfully false shall subject the person taking the same to all the pains and penalties of the crime of perjury :

Commissioners
for ascertain-
ing the amount
of notes issued
and specie and
debentures
held.

Result of ex-
amination to
be returned
on Oath and
published.

" We, A. B., &c., Commissioners for (the Province of Quebec or **Form of Oath.**
" as the case may be) make oath and say, that on the day
" of A. D., 18 , the Provincial or Dominion notes outstanding
" and in circulation from (Montreal, or as the case may be) amounted
" to dollars, and the Specie and Provincial or Dominion
" debentures then held for the redemption of such notes at (Mont-
" real, or as the case may be) amounted to dollars in specie
" and dollars in debentures."

12. The proceeds of the said Provincial or Dominion notes shall form part of the Consolidated Revenue Fund of Canada, and the expenses lawfully incurred under this Act shall be paid out of the said Fund.

Proceeds and
expenses of
Notes.

13. The word "specie" in this Act means coin current by law of that one of the Provinces in which any Provincial or Dominion note is made payable, at the rates and subject to the provisions of the law in that behalf, or Bullion of equal value according to its weight and fineness;—and the expression "Provincial Debentures or Government Securities" in the first, second, third and sixth sections of this Act, means and includes any Debentures, which under the charter of the Bank in question may be held by it in compliance with any provision in its charter obliging it to invest a certain portion of its capital in such Debentures or Securities.

Interpretation

Punishment
for forging
notes, &c.

Having plates,
&c., in pos-
session.

Uttering
notes, &c.

14. If any person engraves or in anywise makes upon any plate whatever, or upon any wood, stone or other material, any note purporting to be a Provincial Note, or a note of the Dominion of Canada, without the authority of the Minister of Finance, the proof of which shall lie on the party accused; or if any person engraves or makes upon any plate whatever, or upon any wood, stone or other material, any word or words resembling or apparently intended to resemble any subscription subjoined to any Provincial Note, or Note of the Dominion of Canada, without such authority, to be proved as aforesaid; or if any person without such authority, to be proved as aforesaid, uses, or without lawful excuse, to be proved by the party accused, knowingly has in his custody or possession any plate, wood, stone or other material upon which any such Provincial Note, or Note of the Dominion of Canada, or part thereof, or any word or words resembling or apparently intended to resemble such subscription as aforesaid has been engraved or made; or if any person without such authority, to be proved as aforesaid, knowingly offers, utters, disposes of or puts off, or without lawful excuse, to be proved as aforesaid, knowingly has in his custody or possession any paper upon which any part of such Provincial Note, or Note of the Dominion of Canada, or any word or words resembling or apparently intended to resemble any such subscription, has been made or printed, every such offender shall be guilty of felony, and on conviction shall be liable to be imprisoned in the penitentiary for any term not less than two years nor more than seven years, or to be imprisoned in any Common Gaol for any term less than two years, in the discretion of the court before which the conviction is had.

Repeal of
inconsistent
enactments.

15. So much of any Act or law in force in this Dominion as may be inconsistent with this Act, is hereby repealed.

CAP. XII.

An Act to remove certain restrictions with respect to the issue of Bank Notes in Nova Scotia.

[Assented to 12th May, 1870.]

Preamble

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. So much of the thirteenth section of chapter eighty-three of the Revised Statutes of Nova Scotia, third series, intituled, "Of Currency," or of any other act or law, or of the charter of any Bank, in force in Nova Scotia, as prohibits the issue of any Bank Note by any Chartered Bank for a less sum than twenty dollars, is hereby repealed; but no Chartered Bank in Nova Scotia shall issue any Bank Note for a less sum than four dollars Currency of that Province, under the penalty imposed by the said thirteenth section of the said chapter eighty-three, for issuing Notes for a less sum than twenty dollars.

Banks in Nova Scotia may issue notes under \$20, but not under \$4.

BANKS AND BANKING.

ACTS REPEALED.

31 Vic., Cap. 11, intituled "An Act respecting Banks," repealed by 34 Vic., Cap. 5, Sec. 76.

33 Vic., Cap. 11, intituled "An Act respecting Banks and Banking," repealed by 34 Vic., Cap. 5, Sec. 76.

CAP V.

An Act relating to Banks and Banking. *

[Assented to 14th April, 1871.]

WHEREAS, it is desirable that the provisions relating to the Incorporation of Banks, and the laws relating to Banking, should be embraced, as far as practicable, in one general Act; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preambles

1. The Charters or Acts of Incorporation of the several Banks enumerated in the Schedule to this Act (including any amendments thereof now in force) are continued as to their Incorporation, the amount of Capital Stock, the amount of each share of such Stock, and the chief place of business of each respectively, until the first day of July in the year of our Lord one thousand eight hundred and eighty-one, subject to the right of any such Bank to increase its Capital Stock in the manner hereinafter provided; and as to other particulars the said charters are continued without being subject to any of the provisions of this Act except those contained in Sections Four, Thirty-nine to Fifty-four, both inclusive, and Sixty

Charters continued for certain purposes until 1 July, 1881.

Certain provisions not to apply until after 1 July, 1871.

to

* Amended by 35 Vic., Cap 8, (p. 36).

Provision
until end of
next Session
and after-
wards.

to Sixty-eight, both inclusive, until the first day of July in the present year of our Lord one thousand eight hundred and seventy-one; and from and after the day last mentioned, the said charters are continued, subject to the provisions of this Act, until the end of the then next Session of Parliament; and from and after the end of such Session this Act shall form and be the Charters of the said Banks respectively, until the first day of July, 1881, and the provisions thereof shall apply to each of them respectively, and their present charters shall be repealed,—except only as to the matters for which the said Charters are above continued until the day last aforesaid.

To what
banks the Act
applies.

2. The provisions of this Act shall apply to any Bank to be hereafter incorporated (which expression in this Act includes any Bank incorporated by any Act passed in the present Session or in any future Session of the Parliament of Canada) whether this Act is specially mentioned in its Act of Incorporation or not, as well as to all Banks whose charters are hereby continued, but not to any other, unless extended to it under the special provisions hereinafter made.

Matters to be
provided for
in special
Acts.

3. The capital stock of any new Bank, the amount of each share, the name of the Bank, and the place where its chief office shall be situated, shall be declared in the Act of Incorporation of any Bank to be hereafter incorporated.

GENERAL REGULATIONS.

Branches and
agencies.

4. The Bank may open branches or agencies and offices of discount and deposit and transact business, at any place or places in the Dominion.

Increase of
capital.

5. The capital stock of the Bank may be increased, from time to time, by the shareholders at any annual general meeting, or any general meeting specially called for that purpose; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by the majority of the votes of the shareholders present at such meeting in person or by proxy.

How to be
allotted.

6. Any of the original unsubscribed capital stock, or the increased stock of a Bank, shall, when the Directors so determine, be allotted to the then shareholders of the Bank *pro rata*, and at such rate as shall be fixed by the Directors, provided always that no fraction of a share shall be so allotted; and any of such allotted stock as shall not be taken up by the shareholder to whom such allotment has been made, within three months from the time when notice of the allotment has been mailed to his address, may be
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opened for subscription to the public, in such manner and on such terms as the Directors shall prescribe.

7. No Bank to be hereafter incorporated, unless it be otherwise provided by its charter, shall issue notes or commence the business of banking, until five hundred thousand dollars of capital have been *bonâ fide* subscribed and one hundred thousand dollars have been *bonâ fide* paid up, nor until it shall have obtained from the treasury board a certificate to that effect, which certificate shall be granted by the treasury board when it is proved to their satisfaction that such amounts of capital have been *bonâ fide* subscribed and paid respectively; and if at least two hundred thousand dollars of the subscribed capital of such Bank has not been paid up before it shall have commenced business, such further amount as shall be required to complete the said sum shall be called in and paid up within two years thereafter, and it shall not be necessary that more than two hundred thousand dollars of the stock of any Bank, whether incorporated before or after the passing of this Act, be paid up within any limited period from the date of its incorporation.

Conditions
previous to
commencing
business by
new Banks.

8. The amount of notes intended for circulation, issued by the Bank and outstanding at any time, shall never exceed the amount of its unimpaired paid up capital: No such note for a less sum than four dollars shall be issued or re-issued by the Bank, and all notes for a less sum heretofore issued shall be called in and cancelled as soon as may be practicable.

Amount of
bank notes
limited; none
to be under
\$4.

9. The Bank shall always receive in payment its own notes at par at any of its offices and whether they be made payable there or not; but shall not be bound to redeem them in specie or Dominion notes at any place other than where they are made payable; the place or one of the places at which the notes of the Bank shall be made payable shall always be its chief seat of business.

Redemption
of notes.

10. No dividend or bonus shall ever be made so as to impair the paid-up capital, and if any dividend or bonus be so made, the Directors knowingly and wilfully concurring therein, shall be jointly and severally liable for the amount thereof, as a debt due by them to the Bank; and if any part of the paid up capital be lost, the Directors shall, if all the subscribed stock be not paid up, forthwith make calls upon the shareholders to an amount equivalent to such loss; and such loss (and the calls, if any), shall be mentioned in the return then next made by the Bank to the Government; provided that in any case where the capital has been impaired as aforesaid, all net profits shall be applied to make good such loss.

No dividend
to impair paid
up capital;
penalty for
excess;
provision if
part thereof
be lost.

Dividend
limited unless
there be a
certain
Reserved
Fund.

11. No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding the rate of eight per cent. per annum, shall be paid by the Bank, unless, after paying the same, it shall have a rest or reserved fund equal to at least twenty per cent. of its paid up capital, deducting all bad and doubtful debts before calculating the amount of such rest.

List of Stock-
holders to be
laid before
Parliament
yearly.

12. Certified lists of the shareholders, (or of the principal partners, if the Bank be *en commandite*,) with their additions and residences, and the number of shares they respectively hold, shall be laid before Parliament every year, within fifteen days after the opening of the session.

Monthly
returns to be
made; and
how attested.

13. * Monthly returns shall be made by the Bank to the Government in the following form, and shall be made up within the first ten days of each month, and shall exhibit the condition of the Bank on the last juridical day of the month preceding; and such monthly returns shall be signed by the President, or Vice-President, or the Director (or, if the Bank be *en commandite*, the principal partner) then acting as President, and by the Manager, Cashier or other principal officer of the Bank at its chief seat of business:

Form.

RETURN of the amount of liabilities and assets of the
Bank, on the day of , A.D. 18

CAPITAL AUTHORIZED, \$ CAPITAL SUBSCRIBED, \$ CAPITAL PAID UP, \$

LIABILITIES.

	\$	cts.
1. Notes in circulation.....		
2. Government deposits payable on demand.....		
3. Other deposits payable on demand.....		
4. Government deposits payable after notice, or on a fixed day.....		
5. Other deposits payable after notice, or on a fixed day		
6. Due to other banks in Canada.....		
7. Due to other banks or agents not in Canada.....		
8. Liabilities not included under the foregoing heads....		

ASSETS.

* Another form is substituted by 36 Vic. 43 for the one here given. (See p. 40.)

ends or bonus,
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ter paying the
least twenty
doubtful debts

principal part-
ions and resi-
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Bank to the
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A.D. 18

PAID UP, \$

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ASSETS.

(See p. 40.)

ASSETS.

\$ cts.

1. Specie
2. Provincial or Dominion Notes
3. Notes of and cheques on other banks
4. Balances due from other banks in Canada
5. Balances due from other banks or agents not in Canada
6. Government debentures or stock
7. Loans to the Governments of the Dominion and of any of the Provinces, respectively
8. Loans, discounts or advances on current account to corporations
9. Notes and bills discounted and current
10. Notes and bills discounted, overdue and not specially secured
11. Overdue debts secured by mortgage or other deed on real estate, or by deposit of or lien on stock, or by other securities
12. Real estate, the property of the Bank (other than the Bank premises), and mortgages on real estate sold by the Bank
13. Bank premises
14. Other assets not included under the foregoing heads..

We declare that the foregoing return is made up from the books of the Bank, and that it is correct to the best of our knowledge and belief.

(Place) this day of , 18

A. B.—President, &c.

C. D.—Cashier, &c.

14. The Bank shall always hold, as nearly as may be practicable one half of its cash reserves in Dominion notes, and the proportion of such reserves held in Dominion Notes shall never be less than one-third thereof. Part of reserves to be in Dominion notes,

15. Every Bank to which this Act applies shall be exempt from the tax now imposed on the average amount of its notes in circulation, to which other Banks will continue liable, and from the obligation to hold any portion of its capital in Government debentures or debentures of any kind. Exemption from Bank Tax, &c.

Arrangements
for supplying
Dominion
notes.

16. The Receiver General shall make such arrangements as may be necessary for ensuring the delivery of Dominion notes to any Bank, in exchange for an equivalent amount of specie, at the several offices at which Dominion notes will be redeemable, in the cities of Toronto, Montreal, Halifax and St. John, (N.B.,) respectively.

INTERNAL REGULATIONS.

Shares and Shareholders.

Subscription
for and trans-
fer of stock in
the United
Kingdom.

17. Books of subscription may be opened, and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable, in the United Kingdom of Great Britain and Ireland, in like manner as such shares and dividends are respectively made transferable and payable at the head office of the Bank; and to that end the Directors may from time to time determine the proportion of the shares which shall be so transferable in the United Kingdom, and make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.

Payment of
shares.

18. The shares of the capital stock shall be paid in by such instalments, and at such times and places as the Directors shall appoint, and executors, administrators and curators paying the instalments upon the shares of deceased shareholders shall be and are respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time or within thirty days after the time of subscribing.

Proviso :
Part payment
on sub-
scribing.

Transfers of
shares; con-
ditions as to
shares sold
under execu-
tion.

19. The shares of the capital stock of the Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the Bank, or at any of its branches which the Directors shall appoint for that purpose, and according to such form as the directors shall prescribe; but no assignment or transfer shall be valid unless it be made and registered and accepted by the party to whom the transfer is made, in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall, if required by the Bank, previously discharge all debts or liabilities due, by him, her, or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons, and no fractional part or parts of a share, or less than a whole share, shall be assignable

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assignable or transferable: and when any share or shares of the said capital stock shall have been sold under a writ of execution, the sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the cashier, manager, or other officer of the Bank, an attested copy of the writ with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts or liabilities due by the holder or holders of the shares to the Bank shall have been discharged as aforesaid), the President or Vice-President, Manager or Cashier of the Bank, shall execute the transfer of the share or shares so sold to the purchaser; and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

Transfer by
Cashier, &c.,
debts to Bank
being first
paid.

es of the
the divi-
e United
uch shares
able at the
may from
h shall be
rules and
agent or

20. A list of all transfers of shares registered each day in the books of the Bank, showing the parties to such transfers and the number of shares transferred in each case, shall be made up at the end of each day and kept at the chief office of the Bank for the inspection of its shareholders.

List of
transfers to
be made up
daily, and
open to
Shareholders..

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21. If the interest in any share or shares in the capital stock becomes transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration shall distinctly state the manner in which, and the party to whom, such shares shall have been transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same acknowledged before a Judge of a Court of Record, or before the Mayor Provost or Chief Magistrate of a city, town, borough, or other place, or before a Public Notary, where the same shall be made and signed; and every declaration so signed and acknowledged shall be left with the cashier, manager or other officer, or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the registry of shareholders; and until such transmission shall have been so authenticated no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, or to vote in respect of any such share or shares: provided always, that

Transmission
of shares
otherwise
than by
transfer: how
proved, &c.

held and
nd trans-
ny of its
pose, and
but no
nd regis-
ade, in a
pose, nor
quired by
by him,
remain-
no frac-
shall be
signable

every

Proviso :
When the
declaration of
transfer, &c.,
are made out
of Canada.

**Proviso for
further proof.**

**Transmission
by marriage
of female
shareholder.**

**Proviso as to
authorization
by husband.**

**Transmission
by decease of
Shareholder.**

**Further pro-
vision in such
case.**

every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share or shares in the Bank which shall be made in any other country than Canada, or some other of the British colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited representative: and provided also that nothing in this Act contained shall be held to debar the directors, cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

22. If the transmission of any share of the capital stock be by virtue of the marriage of a female shareholder, the declaration shall be accompanied by a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and shall be made and signed by such female shareholder and her husband; and it shall be competent to them to include therein a declaration to the effect that the share transmitted is the sole property, and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself, without requiring the consent or authority of her husband; and such declaration shall be binding upon the bank and the parties making the same, until the said parties shall see fit to revoke it by a written notice to that effect to the Bank; and further, the omission of a statement in any such declaration, that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal; any law or usage to the contrary notwithstanding.

23. If the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or any letters of administration, or act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier, or other officer or agent of the Bank, who shall, thereupon, enter the name of the party entitled under such transmission, in the register of shareholders.

24. If the transmission of any share or shares of the capital stock of the Bank be by the decease of any shareholder, the production to the Directors and the deposit with them of any authenticated

the following
 sion of a share
 other country
 nies in North
 and Ireland,
 r Vice-Consul,
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ticated copy of the probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any court in the Dominion having power to grant such probate or letters of administration, or by any prerogative, diocesan or peculiar court or authority in England, Wales, Ireland, or any British Colony, or of any testamentary or testament dative, expedite in Scotland, or, if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any authenticated copy of the probate of his or her will or letters of administration of his or her property, or other documents of like import granted by any court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend, or transferring, or authorizing the transfer, of any share or shares, in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid.

25. Whenever the interest in any share or shares of the capital stock of the Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any such share or shares shall change by any lawful means other than by transfer, according to the provisions of this Act, and the Directors of the Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then, and in such case, it shall be lawful for the Bank to make and file in one of the Superior Courts of Law or Equity in the Province in which the head office of the Bank is situated, a declaration and petition in writing, addressed to the Justices of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such share or shares, or to the Attorney of such party duly authorized for the purpose, who shall upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said Superior Courts: Provided, also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred

Provision in
 case the Di-
 rectors have
 reasonable
 cause of doubt
 as to the
 party entitled
 to any share.
 Application
 to Court.

Proviso as to
 costs.

ferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Bank not bound to see to trust's.

26. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of its stock shall be subject, and the receipt of the party in whose name any such share shall stand in the books of the Bank, or, if it stands in the name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the Bank for any dividend or any other sum of money payable in respect of such share, unless express notice to the contrary has been given to the Bank; and the Bank shall not be bound to see to the application of the money paid upon such receipt, whether given by one of such parties or all of them.

When the stock stands in more than one name.

One vote for each share.

27. Each shareholder in the Bank shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least thirty days before the time of meeting. Shareholders may vote by proxy, but no person but a shareholder shall be permitted to vote or act as such proxy; and no Manager, Cashier, Bank Clerk or other subordinate officer of the Bank shall vote either in person or by proxy, or hold a proxy for that purpose. All questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes; the chairman elected to preside at any such meeting of the said shareholders shall vote as a shareholder only, unless there be a tie, in which case (except as to the election of a Director) he shall have a casting vote; and where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares, and vote accordingly; and in all cases when the votes of the shareholders are taken the voting shall be by ballot.

Proxies, &c.

Majority of votes to decide. Ties. Joint holders of Shares.

Voting to be by ballot.

Shareholders may regulate certain matters by by-laws.

28. The shareholders in the Bank shall have power to regulate by by-law the following matters incident to the management and administration of the affairs of the Bank, viz.: the qualification, and number of Directors, which shall not be less than five nor more than ten, and the quorum thereof; the method of filling up vacancies in the Board of Directors whenever the same may occur during each year; and the time and proceedings for the election of Directors, in case of a failure of any election on the day appointed for it:—the remuneration of the President, Vice-President and other Directors; and the closing of the transfer book during a certain time not exceeding fifteen days, before the payment of each semi-annual

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annual dividend:—Provided that no Director shall hold less than three thousand dollars of the stock of the Bank, when the paid up capital thereof is one million dollars or less, nor less than four thousand dollars of stock when the paid up capital thereof is over one million and does not exceed three millions, nor less than five thousand dollars of stock when the paid up capital thereof exceeds three millions; the Directors shall be elected annually by the shareholders and shall be eligible for re-election: Provided that the foregoing provisions, touching Directors, shall not apply to a Bank *en commandite*, which shall in these matters be governed by the provisions of its charter. The shareholders (or, if the Bank be *en commandite*, the principal partners) may also regulate by by-law the amount of discounts or loans which may be made to Directors (or, if the Bank be *en commandite*, to the principal partners), either jointly or severally or to any one firm or person, or to any shareholder or to corporations: Provided that until it is otherwise ordered by by-law under this section, the by-laws of the Bank on any matter which can be regulated by by-law under this section, shall remain in force except as to the qualification of Directors, as to which they shall remain in force until the next annual general meeting of the shareholders after the first day of July, 1871, after which no person shall be a Director unless he possesses the number of shares hereby required, or such greater number as may be required by any by-law in that behalf.

Provide as to
qualification
of Directors.

Annual elec-
tion of
Directors.

Discounts to
Directors, &c.

Provide:
Certain by-
laws to
remain in
force.
Exception,
after 1 July,
1871.

29. Any number not less than twenty-five of the shareholders of the Bank who together may be proprietors of at least one-tenth of the paid up capital stock of the Bank, by themselves or by their proxies, or the Directors of the Bank or any four of them, shall have power at any time to call a special general meeting of the shareholders of the Bank to be held at their usual place of meeting upon giving six weeks previous public notice, specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or Vice President, or of a Director or Directors of the said Bank for maladministration or other specified and apparently just cause, then if a majority of the votes of the shareholders of such meeting be given for such removal, a Director or Directors to replace him or them shall be elected or appointed in the manner provided in the By-Laws of the Bank, or if there be no by-laws providing therefor, then by the shareholders at such meeting; and if it be the President or Vice-President who shall be removed, his office shall be filled up by the Directors (in the manner provided in case of a vacancy occurring in the office of President or Vice-President) who shall choose or elect a Director to serve as such President.

Special general meetings:
how called.

Provision if
the President
or Vice-
President or
a Director be
removed.

President and Directors.

Annual general meeting of shareholders, and election of directors.

Notice.

Proxies.

Case of equality of votes.

Vacancies among directors : how filled.

Election of President, &c.

Proviso.

30. The stock, property, affairs and concerns of the Bank shall be managed by a Board of Directors, the number to be fixed as herein provided, who shall choose from among themselves a President and Vice-President; the Directors shall be natural born or naturalized subjects of Her Majesty, and shall be elected on such day in each year as may be or may have been appointed by the charter or by any by-law of the Bank, and at such time of the day and at such place where the head office of the Bank is situate, as a majority of Directors for the time being shall appoint; and public notice shall be given by the Directors, by publishing the same at least four weeks in a newspaper of the place where the said head office is situate, previous to the time of holding such election; and the election shall be held and made by such of the shareholders of the Bank as have paid all calls made by the Directors and as shall attend for the purpose in their own proper persons or by proxy, and all elections for Directors shall be by ballot, and the said proxies shall only be capable of being held and voted upon by shareholders then present, and the persons, to the number fixed by by-law, as hereinbefore provided, who have the greatest number of votes at any election, shall be Directors; provided that if it should happen at any election that two or more persons have an equal number of votes, and the election or non-election of one or more of such persons as a Director or Directors depends on such equality, then the Directors who shall have had a greater number, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the full number; and in case of a vacancy occurring in the number of Directors, such vacancy shall be filled in the manner provided by the by-laws, but the non-filling of the vacancy shall not vitiate the acts of a quorum of the remaining Directors; and if the vacancy so created shall be that of a President or Vice-President, the Directors at the first meeting, after completion of their number, shall, from among themselves, elect a President or Vice-President, who shall continue in office for the remainder of the year. And the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number to be President and Vice-President; provided always, that no person shall be eligible to be or continue a Director, unless he shall hold, in his name and for his own use, stock in the said Bank to the amount hereinbefore provided.

31. In case it should happen that an election of Directors should not be made on any day when it ought to have been made, the Corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of Directors in such manner as shall have been provided by the by-laws made by the shareholders in that behalf: and the Directors then in office shall remain so, until a new election shall be made.

Failure of election: provision in case of.

32. At all meetings of the Directors of the Bank not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present, to be chosen *pro tempore*, shall preside; and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and if there be an equal division on any question shall have a casting vote.

Quorum of directors, &c. Who to preside.

33. The Directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of the Dominion of Canada) as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the Bank, and touching the duties and conduct of the officers, clerks and servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet; and they may also appoint a Director or Directors for any branch of the Bank: Provided always, that before permitting any cashier, officer, clerk or servant of the Bank to enter upon the duties of his office the Directors shall require him to give bond or other security to the satisfaction of the Directors, for the due and faithful performance of his duties; Provided also, that all by-laws of the Bank lawfully made before the passing of this Act, as to any matter respecting which the Directors can make by-laws under this section (including any by-laws for establishing a guarantee fund for the employees of the Bank) shall remain in force until they are repealed or altered by others made under this Act.

Directors to make By-laws for certain purposes, and appoint officers, &c.

Proviso: Officers to give security.

Proviso as to existing by-laws.

34. The Directors shall have power to make such calls of money from the several shareholders for the time being upon the shares subscribed for in the Bank by them respectively, as they may find necessary, and in the corporate name of the Bank to sue for, recover and get in all such calls, or to cause and declare such shares to

Calls: and how enforced by action.

Proof in such case.

Proviso as to amount and intervals of calls.

Calls : and how enforced by forfeiture.

Proviso : Forfeiture may be remitted.

to be forfeited to the Bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the Bank, and is indebted to the Bank for a call or calls upon such share or shares, in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action hath accrued to the Bank to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness (a shareholder being competent) that the defendant, at the time of making any such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the Directors making and prescribing such call, and to prove notice thereof, given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the Directors or any other matter whatsoever: Provided that such calls shall be made at intervals of not less than thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable; and no such call shall exceed ten per cent. of each share subscribed.

35. Provided also, that if any shareholder or shareholders refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said capital stock at the time or times appointed by such call, as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the Bank of a sum of money equal to ten per centum on the amount of such shares; and, moreover, it shall be lawful for the Directors of the Bank (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole; and the President or Vice-President, Manager or Cashier of the Bank shall execute the transfer to the purchaser of the shares of stock so sold; and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors, or the shareholders at a general meeting, from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or to prevent the Bank

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Bank from enforcing the payment of any call or calls by suit in lieu of forfeiting the same.

36. At every annual meeting of the shareholders for the election of Directors, the out-going Directors shall submit a clear and full statement of the affairs of the Bank containing on the one part the amount of the capital stock paid in, the amount of notes of the Bank in circulation and net profits made, the balances due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest—and on the other part, the amount of the current coin, the gold and silver bullion, and the amount of Dominion Notes in the vaults of the Bank, the balances due to the Bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities,—thus exhibiting on the one hand the liabilities of or the debts due by the Bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the Directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts due to the Bank overdue and not paid, with an estimate of the loss which will probably accrue thereon.

Statement to be laid before annual general meeting by directors, and what it must show.

37. The books, correspondence and funds of the Bank shall at all times be subject to the inspection of the Directors; but no shareholder not being a Director shall be allowed to inspect the account of any person dealing with the Bank.

Directors may inspect books, &c.

38. It shall be the duty of the Directors of the Bank to make half-yearly dividends of so much of the profits of the Bank as to the majority of them may seem advisable, and not inconsistent with the provisions of sections ten and eleven of this Act; and to give public notice of the payment of such dividends at least thirty days previously.

Dividends and notice thereof.

POWERS AND OBLIGATIONS OF THE BANK.

Loans, Interest, Advances on Warehouse Receipts, &c.

39. The Bank shall have the power to acquire and hold real and immovable estate for its actual use and occupation, and the management of its business, and to sell or dispose of the same, and other property to acquire in its stead, for the same purposes.

Power to hold real estate for occupation.

Business of the
Bank defined.

40. The Bank shall not, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the Bank, or of any goods, wares or merchandize, except as authorized in this Act; nor shall the Bank, either directly or indirectly, deal in the buying and selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as appertains to the business of banking.*

Power to take
mortgages as
additional
security.

41. The Bank may take, hold and dispose of mortgages and hypothèques upon personal as well as real property, by way of additional security for debts contracted to the Bank in the course of its business; and the rights, powers and privileges which the Bank is hereby declared to have or to have had in respect of real estate mortgaged to it, shall be held and possessed by it, in respect of any personal estate which may be mortgaged or hypothecated to it.

And to purchase lands
mortgaged to
it, if sold under
execution, &c.

42. The Bank may purchase any lands or real estate offered for sale under execution at the suit of the Bank, or exposed to sale by the Bank under a power of sale given to it for that purpose, in cases where, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto as any individual purchasing at sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure.

And to obtain
an absolute
title, by re-
lease, &c., of
equity of
redemption;
and purchase
prior mort-
gage, &c.

43. The Bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it, either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure in any Court of Chancery or Equity, or by other means whereby, as between individuals, an equity of redemption can by law be barred, and may purchase and acquire any prior mortgage or charge on such land.

May exercise
power of sale,
&c.

44. Nothing in any Charter, Act or law shall be construed as ever having prevented or as preventing the Bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever

*The following words are added to this section by 38 Vic., Cap. 17, Sec. 1. (See p. 42). "Nor shall the Bank, either directly or indirectly, purchase or deal in any share or shares of the capital stock of the Bank except where it is necessary to realise upon any such share or shares held by the Bank as security for any pre-existing or matured debt."

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 hypothecation of
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Sec. 1. (See
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whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged.

45. The words "goods, ware and merchandize" when used in the six next following sections of this Act, shall be held to comprise in addition to the things usually understood thereby, timber, boards, deals, staves and other lumber, and also all agricultural produce.

Interpreta-
 tion clause.

46. *The Bank may acquire and hold any cove receipt or any receipt by a cove keeper, or by the keeper of any wharf, yard, harbor or other place, any bill of lading, any specification of timber, or any receipt given for cereal grains, goods, wares or merchandize stored or deposited in any cove, wharf, yard, harbor, warehouse, mill, or other place in Canada, or shipped in any vessel or delivered to any carrier for carriage from any place whatever to any part of this Dominion, or through the same or on the waters bordering thereon, or from the same to any other place whatsoever, and whether such cereal grains are to be delivered upon such receipt in species or converted into flour—as collateral security for the due payment of any bill of exchange or note discounted by such Bank in the regular course of its banking business, or for any debt which may become due to the Bank under any credit opened or liability incurred by the Bank for or on behalf of the holder or owner of such bill of lading, specification or receipt, or for any other debt to become due to the Bank;—and such bill of lading, specification or receipt, being so acquired, shall vest in the Bank from the date of the acquisition thereof, all the right and title of the last previous holder thereof, and if such holder be the agent of the owner, within the meaning of the fifty-ninth chapter of the Consolidated Statutes of the late Province of Canada, then all the right and title of the owner thereof, to or in such cereal grains, goods, wares or merchandize, subject to his right to have the same retransferred to him, if such bill, note or debt be paid when due; and in the event of the non-payment of such bill or note or debt when due, such Bank may sell the said cereal grains, goods, wares or merchandize and retain the net proceeds, or so much thereof as will be equal to the amount due to the Bank upon such bill or debt or note, with interest and costs, returning the overplus, if any, to the person from whom such instrument was acquired by the Bank.

Bank may ac-
 quire and hold
 warehouse re-
 cepts, specifi-
 cations, &c., as
 collateral
 security.

Lien of the
 Bank on the
 goods.

Bank may sell
 the goods in
 default of pay-
 ment of the
 debt they are
 pledged for.

47.

*By 35 Vic., Cap. 8, Sec. 5., (See page 38). Sections 46, 47 and 48 are extended to cereal grains in process of being converted into malt or flour, and to malt or maltsters, and also to hogs when converted into bacon and hams.

Conditions
necessary to
such lien and
rights.

Proviso.

When the
warehouse-
man, &c., is
himself the
owner of the
goods.

As to receipt
for hogs.

Lien prior to
claim of un-
paid vendor.

Limitation of
time for hold-
ing such goods
in pledge, and
conditions of
sale.

47. *No transfer of any such bill of lading, specification of timber or receipt shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt be negotiated or contracted at the time of the acquisition thereof by the Bank, or upon the understanding that such bill of lading, specification of timber or receipt would be transferred to the Bank, but such bill, note or debt may be renewed or the time for the payment thereof extended, without affecting such security.

48. *Where any person engaged in the calling of cove keeper, keeper of a wharf, yard, harbor or other place, warehouseman, miller, wharfinger, master of a vessel or carrier, curer and packer of pork, or dealer in wool, by whom a receipt or bill of lading may be given in such capacity, as hereinbefore mentioned, for cereal grains, goods, wares or merchandize, is at the same time the owner of or entitled himself (otherwise than in his capacity of warehouseman, miller, wharfinger, master of a vessel or carrier, cove keeper, keeper of a wharf, yard, harbor, or other place, curer and packer of pork or dealer in wool) to receive such cereal grains, goods, wares or merchandize, any such receipt or bill of lading or any acknowledgment or certificate intended to answer the purpose of such receipt or bill of lading, made by such person, shall be as valid and effectual for the purposes of this Act as if the person making such receipt, acknowledgment or certificate or bill of lading, and the owner or person entitled to receive such cereal grains, goods, wares or merchandize were not one and the same person, and in the case of the curing and packing of pork, a receipt for hogs shall apply to the pork made from such hogs.

49. All advances made on the security of any bill of lading, specification, receipt, acknowledgment or certificate, shall give and be held to give to the Bank making such advances a claim for the repayment of such advances on the grain, goods, wares or merchandize therein mentioned, prior to and by preference over the claim of any unpaid vendor, any law, usage or custom to the contrary notwithstanding.

50. But no timber, boards, deals, staves or other lumber shall be held in pledge by the Bank for any period exceeding twelve calendar months, except by the consent in writing of the person pledging the same, and no sale of any timber, boards, deals, staves or other lumber, shall be made under this Act until, nor unless, notice of

*By 35 Vic., Cap. 8, Sec. 5. (see page 38). Sections 46, 47 and 48 are extended to cereal grains in process of being converted into malt or flour, and to malt or maltsters, and also to hogs when converted into bacon and hams.

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of the time and place of such sale shall have been given by letter mailed in the post office to the last known address of the pledger thereof, at least thirty days prior to the sale thereof, and every such sale shall be made by public auction after notice thereof by advertisement, stating the time and place thereof, in at least two newspapers published in or nearest to the place where such sale is to be made, and in every issue of such newspapers during eight days, which newspapers shall be those whose issue is most frequent at or nearest the place where the sale is to be made, and if such place be in the Province of Quebec, then at least one of such newspapers shall be a newspaper published in the English language, and at least one other of such newspapers shall be a newspaper published in the French language; and no cereal grains or goods, wares or merchandize, other than timber, boards, deals, staves and other lumber shall be held in pledge by the Bank for a period exceeding six months (except by consent of the person pledging the same), and no sale thereof shall be made by the Bank under this Act until or unless notice has been given by letter mailed in the post office to the last known address of the pledger thereof at least ten days prior to such sale.

51. The Bank shall not make loans or grant discounts on the security of its own stock, but shall have a privileged lien for any overdue debt on the shares and unpaid dividends of the debtor thereof, and may decline to allow any transfer of the shares of such debtor until such debt is paid, and if such debt is not paid when due the Bank may sell such shares, after notice has been given to the holder thereof, of the intention of the Bank to sell the same, by mailing such notice in the post office to the last known address of such holder, at least thirty days prior to such sale; and upon such sale being made, the President, Vice-President, Manager or Cashier shall execute a transfer of such shares to the purchaser thereof in the usual transfer book of the Bank, which transfer shall vest in such purchaser all the rights in or to such shares which were possessed by the holder thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the Bank or by the officer of the Bank executing such transfer:

And nothing in this Act contained shall prevent the Bank from acquiring and holding as collateral security for any advance by or debt to the Bank, or for any credit or liability incurred by the Bank to or on behalf of any person (and either at the time of such advance by, or the contracting of such debt to the Bank, or the opening of such credit, or the incurring of such liability, by the Bank), the shares

Notice to
owner.

Lien of Bank
on stock of its
shareholders
for overdue
debts.

Sale in default
of payment of
such debt.

What stock,
&c., the Bank
may hold as
collateral
security.

shares of the capital stock of any other Bank, the bonds or debentures of Municipal or other Corporations, or Dominion, Provincial, British, or Foreign public securities; and such stock, bonds, debentures, or securities may, in case of default to pay the debt for securing which they were so acquired and held, be dealt with, sold, and conveyed, in like manner and subject to the same restrictions as are herein provided in respect of stock of the Bank on which it has acquired a lien under this Act.*

Bank not liable to penalty for usury. Rate of interest recoverable.

52. The Bank shall not be liable to incur any penalty or forfeiture for usury; and may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per centum per annum, and may receive and take in advance any such rate, but no higher rate of interest shall be recoverable by the Bank. Any rate of interest whatever may be allowed by the Bank upon money deposited with it. †

Rates of premium chargeable on notes, &c., discounted elsewhere than where payable, but at some branch of the Bank.

53. The Bank may, in discounting at any of its places of business, branches, agencies or offices of discount and deposit, any note, bill, or other negotiable security or paper payable at any other of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive or retain in addition to the discount any amount not exceeding the following rates per centum, according to the time it has to run, on the amount of such note, bill or other negotiable security or paper, to defray the expenses attending the collection thereof; that is to say: under thirty days, one-eighth of one per cent.,—thirty days or over, but under sixty days, one-fourth of one per cent.,—sixty days and over, but under ninety days, three-eighths of one per cent.,—ninety days and over, one-half of one per cent.

The same when payable elsewhere than at a branch of the Bank.

54. The Bank may, in discounting any note, bill or other negotiable security or paper, *bona fide* payable at any place in Canada different from that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and retain in addition to the discount thereon a sum not exceeding one-half of one per centum on the amount thereof, to defray the expenses of agency and charges in collecting the same.

Bank

* It is enacted, in amendment, by 35 Vic., cap. 8, sec. 6, (see p. 38) as follows:—"The provisions of the second paragraph of the fifty-first section of the said Act, as to the sale of stock, bonds, debentures and securities in case of default to pay the debt for securing which they were acquired by a bank, may be departed from or varied by any agreement between the Bank and the owner of such stock, bonds, debentures or securities, made at the time at which such debt was incurred, or if the time of payment of such debt has been extended, then by an agreement made at the time of such extension."

† See 35 Vic., Cap. 8, sec. 2, (p. 37).

Bank Notes, Bonds, &c.

55. The bonds, obligations and bills obligatory or of credit of the Bank, under its corporate seal and signed by the President or Vice-President and countersigned by a Cashier or Assistant Cashier, which shall be made payable to any person or persons, shall be assignable by endorsement thereon; and bills or notes of the Bank signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the Bank to sign the same, promising the payment of money to any person or persons, his, her, or their order, or to the bearer, though not under the corporate seal of the Bank, shall be binding and obligatory on it in like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always that nothing in this Act shall be held to debar the Directors of the Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or Local Director of any branch or office of discount and deposit of the Bank, to sign the bills of the Bank intended for general circulation, and payable to order or to bearer on demand.

Bonds, obligations, &c., of the Bank, by whom to be signed, &c.

How assignable.

Proviso: Officer may be deputed to sign.

56. All bank notes and bills of the Bank whereon the name or names of any person or persons entrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and shall be taken to be good and valid, to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons entrusted or authorized by the Bank to sign the same respectively, and shall be and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law, statute or usage to the contrary notwithstanding.

Bank notes may be signed by machinery.

Bank

follows:—"The
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INSOLVENCY.*

Suspension of payment for 90 days, to forfeit charter, except as to certain purposes. Assignee to be appointed.

57. Any suspension by the Bank of payment of any of its liabilities as they accrue, in specie or Dominion notes, shall, if it continues for ninety days, constitute the Bank insolvent and operate a forfeiture of its Charter, so far as regards the issue or reissue of notes and other Banking operations; and the Charter shall remain in force only for the purpose of enabling the Directors or the assignee or assignees, or other legal authority (if any be appointed in such manner as may by law be provided), to make the calls mentioned in the next following section of this Act and to wind up its business: And any such assignee or assignees or other legal authority shall, for such purposes, have all the powers of the Directors.

Liability of shareholders in case of insufficiency of assets to meet liabilities.

58. In the event of the property and assets of the Bank becoming insufficient to pay its debts and liabilities, the shareholders of the Bank shall be liable for the deficiency so far as that each shareholder shall be so liable to an amount (over and above any amount not paid up on their respective shares) equal to the amount of their shares respectively; and if any suspension of payment in full in specie or Dominion notes, of all or any of the notes or other liabilities of the Bank, shall continue for six months, the Directors may and shall

Calls on shareholders to meet such liability; forfeiture for non-payment.

make calls on such shareholders, to the amount they may deem necessary to pay all the debts and liabilities of the Bank, without waiting for the collection of any debts due to it or the sale of any of its assets or property; such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which such call shall be payable; and any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in like manner as for calls on unpaid stock, and the first of such calls shall be made within ten days after the expiration of the said six months; and any failure on the part of any shareholder liable to such call to pay the same when due, shall operate a forfeiture by such shareholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred.

Proviso as to directors.

Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors hereinbefore mentioned and declared: Provided, also, that if the Bank be *en commandite* and the principal partners are personally liable, then, in case of any such suspension such liability shall at once accrue and may be enforced against such principal partners, without

Proviso. If the Bank be *en commandite*.

* See 39 Vic., cap. 31 (p. 43), as to the winding-up of Insolvent Banks.

without waiting for any sale or discussion of the property or assets of the Bank, or other preliminary proceedings whatever, and the provisions respecting calls shall not apply to such Bank.

59. Persons who, having been shareholders in the Bank, have only transferred their shares or any of them to others or registered the transfer thereof within one month before the commencement of the suspension of payment by the Bank, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred; and any assignee or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvency, shall have the powers of the Directors with respect to such calls. Provided that if the Bank be *en commandite*, the liability of the principal partners and of the *commanditaires* shall continue for such time after their ceasing to be such as may be provided in the Charter of the Bank, and the foregoing provisions with respect to the transfer of shares or calls shall not apply to such Bank.

Liability of shareholders who have transferred their stock within a limited time before suspension.

OFFENCES AND PENALTIES.

60. If any Cashier, Assistant Cashier, Manager, Clerk or Servant of the Bank secretes, embezzles or absconds with any Bond, Obligation, Bill obligatory or of credit or other Bill or Note, or any security for money, or any money or effects entrusted to him as such Cashier, Assistant Cashier, Manager, Clerk or Servant, whether the same belong to the said Bank or belong to any person or persons, body or bodies, politic or corporate, or institution or institutions and be lodged with the said Bank, the said Cashier, Assistant Cashier, Manager, Clerk or Servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the Penitentiary for any term not less than two years, or by imprisonment in a Gaol or place of confinement for any term less than two years, in the discretion of the Court.

Embezzlement of bonds, &c., by officers of the Bank to be felony; and how punishable.

61. If any President, Vice-President, Director, Principal Partner *en commandite*, Manager, Cashier or other officer of the Bank wilfully gives or concurs in giving any creditor of the Bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor or by changing the nature of his claim or otherwise howsoever, he shall be guilty of misdemeanor, and shall further be responsible for all damages sustained by any party by such preference.

President, &c., giving undue preference to any creditor, to be guilty of misdemeanor.

Making false statement in Returns, &c., to be misdemeanor, &c.

62. The making of any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor, and any and every President, Vice-President, Director, Principal Partner *en commandite*, Auditor, Manager, Cashier, or other officer of the Bank preparing, signing, approving or concurring in such statement, return, report or document or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof.

Directors refusing to make calls under section 58, guilty of misdemeanor.

63. Any Director refusing to make or enforce, or to concur in making or enforcing any call under the fifty-eighth Section of this Act, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by such default.

Giving false receipts by warehousemen, millers, &c., under this Act to be a misdemeanor.

64. If any Miller, Warehouseman, Master of a vessel, Forwarder, Carrier, Wharfinger, Keeper of a Cove, Yard, Harbor or other place for storing timber, deals, staves, boards or other lumber, curer or packer of pork, or dealer in wool, Factor, Agent or other person, or any clerk or person in his employ, knowingly and wilfully gives to any person any writing purporting to be a receipt for, or an acknowledgement of any cereal grain, timber, deals, staves, boards or other lumber, or other goods, wares, merchandize or property, as having been received in his Warehouse, Vessel, Cove, Wharf or other place, or in any such place about which he is employed, or as having been in any other manner received by him or the person in or about whose business he is employed, before the goods or property named in such receipt, acknowledgment or writing have been actually so received by or delivered to him or his employer, with the intent to mislead, deceive, injure or defraud any person or persons whomsoever, although such person or persons may be then to him unknown; or if any person knowingly and wilfully accepts or transmits or uses any such false receipt, acknowledgment or writing, the person giving and the person accepting, transmitting or using such false receipt, acknowledgment or writing, shall severally be guilty of a misdemeanor.

False statements in receipts, &c., under section 46, to be misdemeanor.

65. The wilfully making any false statement in any such receipt, acknowledgment or certificate as in the forty-sixth section of this Act mentioned, or the wilfully alienating or parting with, or not delivering to the holder or indorsee any cereal grain, goods, wares or merchandize mentioned in such receipt, acknowledgment or certificate,

tificate, contrary to the undertaking therein expressed or implied, shall be a misdemeanor.

66. If any offence in either of the two next preceding sections mentioned be committed by the doing of anything in the name of any firm, company or copartnership of persons, the person by whom such thing is actually done, and any person who connives at the doing thereof, shall be deemed guilty of the offence, and not any other person.

Offences by members of partnership.

67. Any person convicted of a misdemeanor under this Act shall, on conviction, be liable to be imprisoned in any gaol or place of confinement for any term not exceeding two years, in the discretion of the Court before which the conviction shall be had.

Punishment of misdemeanor under this Act.

68. No private person or party, except a Chartered Bank, shall issue or re-issue, make, draw, or indorse, any bill, bond, note, check or other instrument, intended to circulate as money, or to be used as a substitute for money, for any amount whatever, under a penalty of four hundred dollars, to be recovered with costs, in any court having civil jurisdiction to the amount, by any party who will sue for the same; and one-half of such sum shall belong to the party suing for the same, and the other half to Her Majesty, for the public uses of the Dominion:

Chartered Banks only, to issue notes intended for circulation.

The intention to pass any such instrument as money, shall be presumed, if it be made for the payment of a less sum than twenty dollars, and be payable either in form or in fact to the bearer thereof, or at sight or on demand, or at less than thirty days thereafter, or be overdue, or be in any way calculated or designed for circulation, or as a substitute for money; unless such instrument be a check on some Chartered Bank, paid by the maker directly to his immediate creditor, or a promissory note, bill of exchange, bond or other undertaking, for the payment of money paid or delivered by the maker thereof to his immediate creditor, and be not designed to circulate as a substitute for money:

What shall be deemed such notes.

Provided always, that the Halifax Banking Company may, until the end of the year 1874, continue to re-issue their notes now in circulation, but the whole of such notes shall, as far as practicable, be called in and withdrawn by the end of the said year.

Provide as to Halifax Banking Company.

NOTICES.

69. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published at the place where the Head Office of the Bank is situate,

How notices under this Act shall be given.

and in the *Canada Gazette* or such other *Gazette* as shall be generally known and described as the *Official Gazette* for the publication of official documents and notices emanating from the Civil Government of this Dominion.

FUTURE LEGISLATION.

Bank to be
subject to any
General
Winding-up
Act.

70. The Bank shall be subject to such provisions of any general or special winding-up Act to be passed by Parliament as may be declared to apply to Banks; and no special Act which Parliament may deem it right to pass for winding-up the affairs of the Bank in case of its insolvency, shall be deemed an infringement of its rights or of the privileges conferred by its Charter.

And to any
General Bank
Act.

71. The Bank shall always be subject to any general provisions respecting Banks which Parliament may deem necessary for the public interest.

SPECIAL PROVISIONS AS TO CERTAIN BANKS.

What sections
shall apply to
Bank of Brit.
Nth America.

72. The Bank of British North America, which, by the terms of its present Charter, is to be subject to the general laws of the Dominion, with respect to Banks and Banking, shall not issue or re-issue in Canada any note for a less sum than four dollars, and any such note of the said Bank outstanding shall be called in and redeemed as soon as practicable: and the provisions contained in the ninth, twelfth, thirteenth, fourteenth, sixteenth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, sixtieth, sixty-first, sixty-second, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-ninth, and seventy-first sections of this Act shall apply to the said Bank; those contained in the other sections shall not apply to it.*

How existing
Banks not in
schedule may
come under
this Act.

73. This Act shall not apply to any now existing Bank not mentioned in the schedule thereunto annexed (except the Bank of British North America to the extent aforesaid and La Banque du Peuple to the extent hereinafter mentioned) unless the Directors of such Bank shall, by special resolution, apply to the Treasury Board that the provisions of this Act may be extended to such Bank, nor unless the Treasury Board allows such application, and upon publication in the *Official Gazette* of such resolution, and of the minute of the Treasury Board thereon, allowing such application, such Bank shall come under the provisions of this Act.

74.

* By 35 Vic., cap. 8, sec. 1 (see p. 36), section 15 is declared to also apply to the Bank of British North America.

74. In pursuance of the application made by the Bank of Nova Scotia in that behalf, it shall be lawful for the shareholders of the said Bank, at any special general meeting called for the purpose, and by a by-law to be passed thereat, to reduce the capital and shares of the said Bank by an amount not exceeding thirteen per cent. thereof respectively, and the shares and capital shall thereafter be reckoned at the amount to which they shall be so reduced.

Capital of Bank of Nova Scotia may be reduced.

75. Sections four, thirty-nine to fifty-four both inclusive, sixty, sixty-one and sixty-two, and sixty-four to sixty-eight both inclusive, shall apply to *La Banque du Peuple* from and after the passing of this Act, and all the other provisions of this Act [except those contained in sections one, two, three, five, six, seven, twenty-seven, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-five, thirty-six, thirty-seven, fifty-seven, fifty-eight, fifty-nine, sixty-three, seventy, seventy-two, seventy-three and seventy-four, and so much of section twenty-eight as is declared not to apply to Banks *en commandite*] shall apply from and after the first day of July next to *La Banque du Peuple*, provided that wherever the word "Directors" is used in any of the sections which apply to the said Bank it shall be read and construed as meaning the principal partners or members of the Corporation of the said Bank; and so much of the Act incorporating the said Bank or of any Act amending or continuing it as may be inconsistent with any section of this Act applying to the said Bank, or which makes any provision in any matter provided for by the said sections other than such as is hereby made, is hereby repealed.

What sections shall or shall not apply to *La Banque du Peuple*.

REPEALING AND SAVING CLAUSES.

76. The Act passed in the thirty-third year of Her Majesty's reign, chaptered eleven, and intitled "*An Act respecting Banks and Banking*," is hereby repealed; and the Act passed in the thirty-first year of Her Majesty's reign and intitled "*An Act respecting Banks*," is hereby repealed in so far as respects Banks to which this Act applies, including the Bank of British North America and *La Banque du Peuple*, and shall cease to apply to them after the passing of this Act (or after they respectively come under its provisions, if they are now existing Banks and not mentioned in the schedule), except as to rights theretofore acquired under or offences committed against it, but shall remain in force as regards other Banks until the end of the session of Parliament commencing next after the first day of January, in the year of Our Lord one thousand eight hundred and seventy-two.

33 Vict., c. 11, repealed.

And 31 Vict., c. 21, as to certain Banks.

Saving pending cases.

77. Nothing in this Act contained shall affect any case pending when it shall come into force, but such case shall be decided as if this Act had not been passed.

SCHEDULE.

Banks whose Charters are Continued by this Act.

The Bank of Montreal.

Quebec Bank.

City Bank.

Niagara District Bank.

Molson's Bank.

Bank of Toronto.

Ontario Bank.

Eastern Townships' Bank.

La Banque Nationale.

Banque Jacques Cartier.

The Merchants' Bank of Canada.

Royal Canadian Bank.

Union Bank of Lower Canada.

Canadian Bank of Commerce.

Mechanics' Bank.

Dominion Bank.

Merchants' Bank of Halifax.

Bank of Nova Scotia.

Bank of Yarmouth.

CAP. VIII.

An Act to amend the Act relating to Banks and Banking.

[Assented to 14th June, 1872.]

Preamble.
34 Vict., c. 5.

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled: "*An Act relating to Banks and Banking*,"—Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Error in section 72, as to Bank of British North America corrected.

1. Whereas by the fifteenth section of the Act cited in the preamble, it is provided that every Bank to which the said Act applies, shall be exempt from the tax on the average amount of its notes in circulation, to which other Banks will continue liable, and from the obligation to hold any portion of its capital in Government Debentures or debentures of any kind, and the Bank of British North America is one of the Banks to which the said Act applies, and is so described in section seventy-six, and is subject to the obligations in consideration whereof the exemptions in the said fifteenth section were granted, but by a clerical error in the seventy-second section, enumerating the sections which apply to the said Bank, the said fifteenth section was omitted, and it is expedient to remedy such error,—therefore and for the removal of doubt, it is declared and enacted that the said fifteenth section shall apply to the said Bank, and shall be held to have so applied from the time when the said section came into force with respect to the Banks mentioned in the Schedule to the said Act.

case pending
decided as if

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Bank.

Lower Ca-

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Banking.

June, 1872.]

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2. And whereas it is provided by Acts of the Parliament of Canada, that Banks shall not be liable to incur any penalty or forfeiture for usury, and may stipulate to take, reserve, or exact any rate of interest or discount not exceeding seven per centum per annum, and may receive and take in advance any such rate, but no higher rate of interest shall be recoverable by the bank;—and whereas in some of the Provinces of Canada, laws may be in force, imposing penalties on parties other than Banks, for taking, or stipulating, or paying more than a certain rate of interest, and doubts may arise as to the effect of such laws in certain cases, as to parties other than the Bank, to negotiable securities discounted or otherwise acquired and held by any Bank,—therefore, it is declared and enacted, that no promissory note, bill of exchange or other negotiable security discounted by, or indorsed or otherwise assigned to any Bank, to which any such Act of the Parliament of Canada as aforesaid applies, shall be held to be void, usurious, or tainted by usury, as regards such Bank or any maker, drawer, acceptor, indorser, or indorsee thereof, or other party thereto, or *bona fide* holder thereof, nor shall any party thereto be subject to any penalty or forfeiture, by reason of any rate of interest taken, stipulated or received by such Bank, on or with respect to such promissory note, bill of exchange, or other negotiable security, or paid or allowed by any party thereto to another in compensation for, or in consideration of the rate of interest taken, or to be taken thereon by such Bank,—but no party thereto, other than the Bank, shall be entitled to recover or liable to pay more than the lawful rate of interest in the Province where the suit is brought, nor shall the Bank be entitled to recover a higher rate than seven per cent. per annum; and no innocent holder of or party to any promissory note, bill of exchange, or other negotiable security, shall in any case be deprived of any remedy against any party thereto, or liable to any penalty or forfeiture, by reason of any usury or offence against the laws of any such Province respecting interest, committed in respect of such note, bill or negotiable security, without the complicity or consent of such innocent holder or party.

3. It shall be lawful for any Bank to which the Act first herein cited applies (including the Bank of British North America, and La Banque du Peuple) to receive deposits from any person or persons whomsoever, whatever be his, her or their age, status or condition in life, and whether such person or persons be qualified by law to enter into ordinary contracts or not, and from time to time to repay any or all of the principal thereof and to pay the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance, or intervention of any person or persons,

Recital: usury
laws in certain
Provinces.

Notes, &c., not
to be deemed
usurious by
reason of
interest taken
by Banks, or
allowed to one
party by
another in
consideration
of such
interest; and
no innocent
party to be
liable to
penalty or
loss of remedy
by reason of
usury by
others.

Banks to
which 34 Vict.,
c. 5, applies
may receive
deposits from
minors, &c.,
and repay
them, unless
lawfully
claimed by
others before
repayment.

Proviso: as to amount.

persons, official or officials, being required, unless before such repayment the money so deposited in and repaid by the Bank, be lawfully claimed as the property of some other party, in which case it may be paid to the depositor with the consent of the claimant, or to the claimant with the consent of the depositor, any law, usage, or custom to the contrary notwithstanding:—Provided always, that if the person making any deposit, as aforesaid, could not, under the law of the Province where the deposit is made, deposit and withdraw money in and from a Bank without this Act, then and in that case the total amount of deposits to be received from such person on deposit shall not at any time exceed the sum of five hundred dollars.

Such Banks not bound to see to trusts to which such deposits may be subject.

4. No such Bank shall be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any deposit made under the authority of this Act may be subject; and, except only in the case of lawful claim by some other party before repayment, the receipt of the person in whose name any such deposit stands, or, if it stand in the name of two persons, the receipt of one, and if in the names of more than two persons, the receipt of a majority of such persons, shall be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit may then be subject, and whether or not the Bank sought to be charged with such trust, (and with whom the deposit may have been made), had notice thereof; and no such Bank shall be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Provisions as to cereal grains, malt, and hogs, extended.

5. The provisions contained in sections forty-six, forty-seven and forty-eight of the Act cited in the Preamble are hereby extended to cereal grains in process of being converted into malt or flour, and to malt and maltsters, and also to hogs when converted into bacon and hams.

Sect. 51, par. 2, amended as to sale of stock pledged.

6. The provisions of the second paragraph of the fifty-first section of the said Act as to the sale of stock, bonds, debentures and securities in case of default to pay the debt for securing which they were acquired by a bank, may be departed from or varied by any agreement between the bank and the owner of such stock, bonds, debentures or securities, made at the time at which such debt was incurred, or if the time of payment of such debt has been extended then by an agreement made at the time of such extension.

Advances on vessels building.

7. Any bank advancing money in aid of the building of any ship or vessel, shall have the same right of acquiring, and holding security upon such ship or vessel while building and when completed,

such repay-
ment lawfully
made it may
be or to the
bank or custom
that if the
bank the law of
the bank withdraw
that case
person on
red dollars.

tion of any
which any
object; and,
erty before
such deposit
receipt of one,
receipt of a
to all con-
ect of such
may then
urged with
(made), had
the appli-
usage to

seven and
tended to
flour, and
into bacon

rst section
and secur-
they were
any agree-
ds, debent-
incurred,
d then by

ng of any
d holding
hen com-
pleted,

pleted, either by way of mortgage, hypothec, hypothecation, privilege or lien thereon, or purchase, or transfer thereof, as individuals have in the Province wherein such ship or vessel is being built, and for that purpose shall be authorized to avail itself of all such rights and means of obtaining and enforcing such security, and shall be subject to all such obligations, limitations and conditions, as are by the law of such Province conferred or imposed upon individuals making such advances.

8. In all matters relating to bills of exchange and promissory notes, the following and no other shall be observed as legal holidays, or non-juridical days, that is to say:—

1. In the Provinces of Ontario, New Brunswick and Nova Scotia,—
Sundays.

New Year's Day.

Good Friday.

Christmas Day.

The birthday (or the day fixed by proclamation for the celebration of the birthday) of the reigning Sovereign.

Any day appointed by proclamation for a public holiday, or for a general fast, or a general thanksgiving throughout the Dominion; and the day next following New Year's Day, and Christmas Day, when these days respectively fall on Sunday.

And in the Province of Quebec the same days shall be observed as legal holidays, with the addition of,—

The Epiphany.

The Annunciation.

The Ascension.

Corpus Christi.

St. Peter and St. Paul's Day.

All Saints' Day.

Conception Day.

2. And in any one of the said Provinces of the Dominion any day appointed by proclamation of the Lieutenant-Governor of such Province for a public holiday or for a fast or thanksgiving within the same.

3. And with regard to bills of exchange and promissory notes, whenever the last day of grace falls on a legal holiday or non-juridical day in the Province where any such bill or note is payable, then the day next following not being a legal holiday or non-juridical day in such Province shall be the last day of grace as to such bill or note.*

4.

* See 35 Vic., cap. 10 (p. 82), as to maturing of notes payable at a month or months after date.

Holidays and
non-juridical
days.

As to bills of
exchange or
notes falling
due on such
days.

Inconsistent
enactments
repealed.

4. All provisions of any Acts or laws, or portions of Acts or laws, heretofore in force in any of the said Provinces or of the Dominion inconsistent with the provisions of this section are hereby repealed.

Extent of Act.

9. This Act shall apply to the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick only.

CHAP. 43.

An Act further to amend the Act relating to Banks and Banking.

[Assented to 23rd May, 1873.]

Preamble.
34 Vict., c. 5.

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act relating to Banks and Banking*:" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Form of
monthly
return
amended.

1. Instead of the form given in the thirteenth section of the said Act as that in which the monthly returns to be made to the Government by any Bank to which the said Act applies are to be made up, the following form shall be substituted for all such returns to be made on or after the first day of July, in the present year, one thousand eight hundred and seventy-three; and all the provisions of the said section and Act shall apply accordingly:—

New form.

RETURN of the amount of Liabilities and Assets of the
Bank, on the day of , A.D. 18 .
CAPITAL AUTHORIZED, \$. CAPITAL SUBSCRIBED, \$.
CAPITAL PAID UP, \$.

LIABILITIES.

	\$	cts.
1. Notes in circulation.....		
2. Dominion Government deposits, payable on demand.		
3. Dominion Government deposits, payable after notice or on a fixed day.....		
4. Provincial Government deposits, payable on demand.		
5. Provincial Government deposits, payable after notice or on a fixed day.....		
6. Other deposits, payable on demand.....		
7. Other deposits, payable after notice or on a fixed day.		
8. Due to other Banks in Canada.....		

9. Due to Agencies of the Bank or to other Banks or Agencies in foreign countries.....
10. *Due to Agencies of the Bank, or to the Bank itself when its Head Office is in the United Kingdom, or to other Banks or Agencies in the United Kingdom.
11. Liabilities not included under the foregoing heads ...

ASSETS.

\$ cts.

1. Specie
2. Dominion notes.....
3. Notes of and cheques on other Banks.....
4. Balances due from other Banks in Canada.....
5. Balances due from Agencies of the Bank, or from other Banks or Agencies, in foreign countries.....
6. Balances due from Agencies of the Bank, or from other Banks or Agencies, in the United Kingdom...
7. Government debentures or stock.....
8. Loans to the Government of the Dominion.....
9. Loans to Provincial Governments
10. Loans, discounts, or advances, for which shares of the capital stock of any other Bank are held as collateral security.....
11. Loans, discounts, or advances, for which the bonds or debentures of Municipal or other corporations, or Dominion, Provincial, British or Foreign public securities are held as collateral securities
12. Loans, discounts, or advances, on current account to corporations.....
13. Notes and bills discounted and current.....
14. Notes and bills discounted, overdue and not specially secured
15. Overdue debts, secured by mortgage or other deed on real estate, or by deposit of or lien on stock, or by other securities.....
16. Real estate, the property of the Bank (other than the Bank premises), and mortgages on real estate sold by the Bank.....
17. Bank premises.....
18. Other assets, not included under the foregoing heads†

Wo

* Amended by 38 Vic., cap. 17 (p. 42), to read as follows:—"10. Due to Agencies of the Bank, or to other Banks or Agencies in the United Kingdom."

† The same Act further amends this form by adding the following item:—

"LIABILITIES OF DIRECTORS."

"Aggregate amount of the direct and indirect liabilities to the Bank of its Directors and of the firms or partnerships in which they, or any of them, have any interest."

We declare that the foregoing return is made up from the books of the Bank, and that it is correct to the best of our knowledge and belief; and we further declare that the Bank has never at any time, during the period to which the said return relates, held less than one-third of its cash reserves in Dominion notes.

(Place) this day of , 18

A. B., *President, &c.*

C. D., *Cashier, &c.*

CHAP. 17.

**An Act to amend the Act therein mentioned, respecting
Banks and Banking.**

[Assented to 8th April, 1875]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

34 Vict., cap.
5, sect. 40,
amended.

1. Section forty of the Act, chapter five, passed in the thirty-fourth year of Her Majesty's reign, is hereby amended by the addition of the words following:—

Bank not to
deal in its
own stock.

"Nor shall the bank, either directly or indirectly, purchase or
"deal in any share or shares of the capital stock of the bank, except
"where it is necessary to realize upon any such share or shares
"held by the bank as security for any pre-existing and matured
"debt."

§6 Viet., c. 43,
form of return
amended.

2. The item numbered ten in the form prescribed by the first section of the Act of the Parliament of Canada, passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act further to amend the Act relating to Banks and Banking,*" under the heading "**LIABILITIES,**" is hereby so amended as to read as follows:—

Agencies.

“10. Due to Agencies of the Bank or to other Banks or Agencies
“in the United Kingdom.”

Form of return
further
amended.

3. The said form is heroby further amended by adding thereto immediately after the item number Eighteen, under the heading "ASSETS" as follows—

" LIABILITIES

"LIABILITIES OF DIRECTORS."

"Aggregate amount of the direct and indirect liabilities to the Bank of its Directors and of the firms or partnerships in which they or any of them have any interest.".....\$

Liabilities of directors.

CHAP. 31.

An Act to make provision for the Winding-up of Insolvent Incorporated Banks.

[Assented to 12th April, 1876.]

WHEREAS it is expedient to make provision for winding-up the estates of the insolvent incorporated Banks, therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Notwithstanding anything contained in "the *Insolvent Act of 1875*," the provisions of the said Act shall apply to incorporated Banks, subject to the modifications contained in the one hundred and forty-seventh section of the said Act, and to the following additional modifications which apply to the case of incorporated Banks only.

Insolvent Act to apply, subject to certain modifications.

2. No application for a writ of attachment against, and no assignment of the estate shall be made until after the Bank has, whether before or since the passing of this Act, become insolvent by suspension of payment for ninety days, under the provisions of the fifty-seventh section of "*An Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's reign, chaptered five.

When only writ of attachment may issue or assignment may be made. 34 Vict., c. 5.

3. The judge may adjourn proceedings upon any application for a writ of attachment, for a time not exceeding six months from the time at which the Bank suspended payment.

Judge may further adjourn proceedings for writ.

4. The judge may order that the preliminary inquiry authorized by the first sub-section of the said one hundred and forty-seventh section shall be made by a person or persons other than an official assignee, to be by him named on the application of the parties, and the person or persons so named shall have all the rights and discharge all the duties appertaining to the official assignee in connection

Judge may order preliminary inquiry to be made by persons appointed by him; their powers.

nexion

He may
extend time
for report.

nexion with such inquiry; and the judge may extend the time for report upon such inquiry to a period not exceeding thirty days from the date of the order for inquiry.

Bank not to
carry on
business when
insolvent.

5. Nothing herein, or in the said Insolvent Act, contained shall be held to authorize the carrying on or continuing the business after the Bank has become insolvent as aforesaid.

Incorporated
Bank may be
receiver.

6. An incorporated Bank may be appointed a receiver or creditors' assignee, and in case a Bank is so appointed it may act through one or more of its principal officers, to be approved by the judge.

Additional
powers of
receiver.

7. The receiver shall, in addition to the powers vested in him under the said hundred and forty-seventh section, have the powers vested by the fifty-seventh, fifty-eighth and fifty-ninth sections of the said Act respecting Banks and Banking in the "assignee, or assignees, or other legal authorities," in the said fifty-seventh section named.

Additional
powers of
assignee after
attachment.

8. After the issue of the writ of attachment the assignee shall, in addition to the powers vested in him under the Insolvent Act, have like powers to those given to the receiver under the next preceding section of this Act.

What to be
sufficient
notice to
note-holders.

9. Publication in the *Canada Gazette*, and in one newspaper issued at or nearest the place where the head office is situate, of notice of any proceeding of which, under the Insolvent Act, creditors should be notified, shall be deemed sufficient notice to holders of notes of the Bank intended for circulation.

Reservation of
dividends on
outstanding
notes.

10. It shall be the duty of the assignee to ascertain as nearly as may be the amount of notes of the Bank intended for circulation and actually outstanding, and to reserve until the expiration of at least two years after the Bank has become insolvent, or until the last dividend, in case that is not made till after the expiration of the said time, dividends on such part of the said amount in respect of which claims may not be filed; and if claims have not been filed and dividends applied for in respect of any part of the said amount before the period herein limited, the dividends so reserved shall form the last or part of the last dividend.

As to action
under sub-s.
15 of s. 147.

11. Nothing shall be done under the fifteenth sub-section of the hundred and forty-seventh section of the said "*Insolvent Act of 1875*," save upon order of the court or judge.

Extent of
appeal under
section 128.

12. The appeal provided for by the hundred and twenty-eighth section of the said Act shall extend to all orders, judgments or decisions of the judge.

CHAP.

CAP. VI.

An Act to provide Additional Facilities for Depositing Savings at Interest with the Security of the Government, and for the Issue and Redemption of Dominion Notes.*

[Assented to 14th April, 1871.]

WHEREAS, it is expedient to increase the facilities now available Preamble.
for depositing savings at interest with the security of the Government for the due repayment thereof, and to make further provision for the issue and redemption of Dominion Notes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the passing of this Act, the Governor may appoint at each of the cities of Halifax and St. John, N.B., a proper person to be an Assistant to the Receiver General, and such Assistant Receivers General shall have the management of the Head Office of the Savings Banks to be established in the Provinces of Nova Scotia and New Brunswick respectively; and the Governor may establish Branch Savings Banks in any other places in the said Provinces, and may appoint proper persons as Agents for the management of such Branch Savings Banks; and such Assistant Receivers-General and Agents respectively, shall, under such regulations as shall from time to time be made in that behalf by the Treasury Board, with the approval of the Governor in Council, receive deposits of money on account of the Receiver-General, and repay the same with interest to the depositors as hereinafter provided; and the word "Agent," when hereinafter used, shall include the Assistant Receivers-General, unless the context requires a more restricted meaning: Provided, always, that such of the Collectors of Customs in the Province of New Brunswick as, at the time of the coming into force of this Act, are authorized to receive deposits of money as savings, shall continue to receive the same, unless or until other Savings Bank Agents are appointed in their stead respectively, and shall be subject to all the provisions of this Act as such Agents; and any money received by such Collectors before the coming into force of this Act shall be dealt with as moneys received by them under this Act.

Assistant Receivers General may be appointed at Halifax, and St. John, N.B., and Agents under them. Their duties as regards Savings Banks in Nova Scotia and New Brunswick.

Proviso: as to Collectors now receiving deposits of savings in New Brunswick.

2.

* Amended by 35 Vic., cap. 9 (p. 68).

Deposits, how made, entered and proved.

2. Every deposit received by any such agent as aforesaid, shall by him be entered at the time in a book to be kept by him for the purpose, and shall at the same time be entered by him in a pass-book to be furnished to the depositor; and the entry in such pass-book, attested by the signature or initials of the agent who so receives the deposit, or of his deputy or clerk, shall be evidence of the depositor's claim to the repayment thereof, with interest thereon, upon demand made by him on such agent or his successor in office, such demand being made at the place and during the hours open for such business, subject to the provisions hereinafter mentioned, that is to say,—

Report to Minister of Finance.

Each agent shall report to the Minister of Finance, at such times and in such form as may be prescribed by the regulations to be made under this Act, all deposits received by him.

Monthly or periodical report, and its effect, as to deposit accounts.

At such times as may be prescribed by the regulations to be made under this Act, but not at less intervals than the beginning of each calendar month, the officer appointed thereto by the Minister of Finance shall send by mail to each depositor, to the address given by him, a notice stating the sums deposited by him since the statement of the same kind then last sent him (if any) and the total amount then at his credit; and the amount mentioned in such notice, and no more, shall be that for which the Government shall be liable, up to the last deposit therein mentioned, unless the depositor, within thirty days after the receipt of such notice, notifies the Minister of Finance in such manner as may be prescribed by the regulations then in force, that there is some error, and what error, in the notice, in which case the true amount shall be ascertained, and the depositor notified accordingly.

Depositor to give his address, &c.

3. Every depositor, on making his or her first deposit, shall declare his or her name, residence, quality and occupation; but the persons engaged in the receipt or payment of deposits shall not disclose the name of any depositor, or the amount deposited or withdrawn, except to the Minister of Finance, the Receiver General, or such of their officers respectively as may be appointed to assist in carrying into operation the provisions of this Act.

Deposits to be paid into Bank, to credit of Receiver General; Withdrawals how paid, &c.

4. Every agent appointed as aforesaid to receive deposits shall, at such times as may be prescribed by the regulations then in force, pay in to the account of the Receiver General, at such Bank as he may be directed, all the moneys received by him on deposit, and he shall pay all withdrawals in such manner as by the said regulations may be prescribed; and he shall also, at such times as may be so prescribed, transmit to the Minister of Finance, in such form as he shall be directed, a detailed account of the business of his office

during

during the time that has elapsed since the transmission of his immediately preceding account.

5. The interest payable to the parties making such deposits shall be at such rate not less than of four per centum per annum as the Governor in Council may from time to time appoint; but such interest shall not be calculated on any amount less than one dollar or other than a dollar or the multiple of a dollar.

Interest on deposits.

6. On the thirtieth day of June in every year the interest accrued on deposits shall be added to and become part of the principal money.

Interest added yearly to principal.

7. It shall be lawful for the agents appointed to receive deposits as aforesaid, to receive deposits from any person or persons whomsoever, whatever be his, her or their age, status or condition in life, and whether such person or persons be qualified in law to enter into ordinary contracts or not; and from time to time to pay any or all of the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance, or intervention of any person or persons, official or officials, being required, any law, usage or custom to the contrary notwithstanding: Provided always, that if the person making any deposit, as aforesaid, could not under the law of the Province where the deposit is made, deposit and withdraw money in and from a Bank, then and in that case the total amount of deposits to be received from such person shall not exceed the sum of five hundred dollars.

Deposits may be received from persons under age, &c.

Proviso: amount limited in such case.

8. No officer of the Government shall be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any deposit made under the authority of this Act may be subject; and the receipt of the person in whose name any such deposit stands, or, if it stand in the name of more persons than one, the receipt of one of the persons shall be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit may then be subject, and whether or not the agent sought to be charged with such trust (and with whom the deposit may have been made), or his successor, had notice thereof; and no agent or any other officer of the Government shall be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Officers of Government not bound to see to trusts.

9. Any payment made in good faith to any person or persons appearing *prima facie*, by the production of a declaration in writing and documents in support thereof, made under the provisions of this Act,

Payments made *bona fide* on certain documents to be valid.

Act,

Act, to be entitled to any interest or deposit, shall be valid and shall discharge the agent with whom the deposit may have been made, and his successors and all who might otherwise have been liable, from all or any further claim by any person whomsoever for such interest or deposit.

Governor in Council may make Regulations for carrying out this Act.

10. The Governor in Council shall have power to make, and from time to time to add to, alter or revoke such regulations as to him may seem meet, for prescribing the mode of keeping and examining, inspecting and checking, and reporting the accounts of depositors, and of withdrawing deposits and interest, and the issuing of deposit certificates; and also respecting the payment or transmission thereof in case of infancy, or of death, bankruptcy, marriage, or other change in the circumstances of any depositor, and for prescribing how and in what manner any such payment or transmission shall be made, and what declaration, documents or other evidence shall be necessary and sufficient in proof of the same, and also respecting the duties and powers of inspectors appointed under the fourteenth section of this Act, and all other matters which the Governor in Council may deem incidental to the carrying of the provisions of this Act into effect: And all regulations so made shall be binding on the parties interested in the subject matter thereof, to the same extent, and as fully to all intents and purposes, as if such regulations formed part of this Act; and such regulations, and all amendments thereof, shall be published in such way as the Governor in Council may direct, and copies thereof shall be laid before Parliament within fourteen days of its meeting next after the date of such regulations; and any copy published as aforesaid shall be evidence thereof.

Their effect.

Regulations to be published and copies laid before Parliament.

Agents and officers to take an oath of office.

11. Every agent, officer, clerk or servant employed under this Act, who may be entrusted with and have the custody of any moneys or valuable securities, shall, before entering upon his duties, give such security for the faithful discharge of the same, and for the due accounting for all such moneys, as shall be required of him by the *Treasury Board*; and shall also take an oath or affirmation before a justice of the peace, faithfully to perform his said duties; which oath or affirmation any justice of the peace is hereby authorized to administer, and which shall be in the following form, or in words to the same effect:—

The oath.

“I (A. B.), of _____, being duly sworn, swear (or do solemnly affirm) that so long as I shall be employed in assisting to carry out the provisions of the Act _____ Victoria, Cap. _____, I will perform faithfully and to the best of my ability the duties that may be assigned to me.

“And

" And I have signed, .

" Sworn at , this day of ,
 " 18 , before me, A. B.,
 " Justice of the Peace for the () of ."

12. If any agent appointed to receive deposits as aforesaid, or any officer, clerk, or servant employed under the provisions of this Act, defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the said books of account for any fraudulent purpose; or if any such agent, officer, clerk, or servant secretes, appropriates, or embezzles any bond, obligation, bill or note, or any security for money, or any moneys or effects, entrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk, or servant, to whomsoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement for any time less than two years, in the discretion of the Court before whom he may be convicted; Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen, or impair any remedy which Her Majesty or the Receiver General or any other person or party may have against such offender or his sureties, or against any other person or party whatsoever.

Punishment of agents, &c., altering entries, embezzling money, &c.

Proviso: other remedies not affected.

13. Any person who falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and, not being such owner, with intent to defraud, demands or claims from the agent with whom such deposit has been made, or from any other party employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor, and shall on conviction be punishable accordingly; Provided, that any offender against the provisions of this or the next preceding section may be indicted and punished either under this Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence.

Punishment of persons pretending falsely to be owners of deposits.

Proviso.

14. The Governor may appoint, and from time to time remove, an inspector or inspectors, to investigate and report upon the business which may arise in carrying out the provisions of this Act, to

Inspectors of Savings Banks may be appointed.

Their duties. whom the agents appointed to receive deposits and all others who may be employed under this Act shall be bound to afford all needful facilities for such inspection and investigation; and the duties and powers of such inspectors shall be such as shall be assigned to them by the regulations to be made under the tenth section of this Act.

Savings Banks in Nova Scotia and New Brunswick to be subject to this Act.

15. From and after the passing of this Act, the Savings Banks established in the Province of New Brunswick under an Act passed by the Legislature of that Province in the tenth year of Her Majesty's reign, and intituled "*An Act relating to Banks for Savings*," or under an Act passed by the said Legislature in the twenty-fourth year of Her Majesty's reign, and intituled "*An Act relating to Savings Banks*," and the Savings Bank in the Province of Nova Scotia established under the Act chapter thirty-nine of the Revised Statutes of that Province, intituled "*Of the Treasury Notes, the Savings Bank and Provincial Loan*," shall be subject to the provisions of this Act, in the same manner as if they had been first established as Savings Banks under and by virtue of this Act.

St. John's Savings Bank New Brunswick.

16. The St. John's Savings Bank (New Brunswick), established under Acts of the Legislature of that Province, shall be and shall be held to have been since the 1st of July, 1867, a Government Savings Bank, under the control of the Governor in Council, and the property, assets and liabilities thereof to have been then transferred to and assumed by the Dominion, subject always to a proper allowance for any surplus or deficiency of such property and assets, as compared with such liabilities, in the settlement of the accounts between the Dominion and the said Province.*

As to deposits in N. B., and N. S. untouched since 1st July, 1867.

17. The capital represented by deposits in the Savings Banks in Nova Scotia and New Brunswick, in deposit accounts as to which there have been no deposits or withdrawals since 1st July, 1867, shall not be charged against those Provinces respectively as part of the debt with which they entered the Union, but all such accounts shall be transferred to a Suspense Ledger, and if hereafter any deposit or withdrawal be made in any such account, it shall be removed from the Suspense Ledger, and the capital represented by such account and the interest accrued since 1st July, 1867, shall be charged against Nova Scotia or New Brunswick, as the case may be.

Assistant Receiver General may be appointed and Savings Banks

18. The Governor may, if he shall deem it expedient, appoint an Assistant Receiver General at the city of Toronto and at the city of Montreal, or at either of them, or at any place in the Province of Manitoba, or in any other province which may hereafter form part of

*Amended by 35 Vict., cap. 9, sec. 1 (see p. 68).

others who
rd all needful
e duties and
igned to them
of this Act.

Savings Banks
in Act passed
Her Majesty's
ags," or under
fourth year of
g to Savings
Scotia estab-
ed Statutes of
Savings Bank
as of this Act,
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transferred to
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counts between

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1867, shall be
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ent, appoint an
d at the city of
he Province of
after form part
of

of the Dominion of Canada, and may establish a Savings Bank at either of the said cities, or in any of the said provinces, in like manner as he may, under the provisions of the first section of this Act, at the city of Halifax or of St. John, N.B.; and any such Assistant Receiver General, and any such Savings Bank, if so established, shall be subject to the provisions of this Act, which shall extend and apply to them, as fully as to any Assistant Receiver General or Savings Bank mentioned herein.

established
in certain
cities, &c.

19. Every Assistant Receiver General appointed under this Act shall be an agent for the issue and redemption of Dominion notes, and his office shall be a branch office of the Receiver General's Department, for that purpose, under the seventh section of the Act passed in the thirty-third year of Her Majesty's reign, and intitled "An Act to amend the Act 31 Victoria, Chapter 46, and to Regulate the Issue of Dominion Notes," and every such Assistant Receiver General shall have the keeping of the Dominion stock books at the place for which he is appointed.

Assistant
Receivers
General to be
Agents for
issue and re-
demption of
Dominion
Notes.

20. The Governor in Council may authorize the issue and sale of Dominion stock, bearing interest at the rate of five per centum per annum, on the credit of the Consolidated Revenue Fund of Canada, and may direct stock books, for the issue and transfer of such stock, to be opened and kept at such places as he may think proper; subject always to the provisions made in the next following section for preventing any permanent increase of the public debt by the issue of such stock, and to those of section five of the Act 31 Victoria, chapter four.

Governor in
Council may
authorise a
five per cent.
Dominion
Stock.

Proviso.

21. Sections seventy-three and seventy-five of the *Post Office Act*, 1867, are hereby repealed; and if at the end of any month, by reason of the amount of deposits in the Savings Banks established under this Act, and in the Post Office Savings Bank, and the issue and sale of the five per cent. Dominion stock hereby authorized, or by any of the said causes, the amount of the public debt authorized by Parliament be exceeded, it shall be the duty of the Auditor General to report such excess to the Treasury Board, who shall thereupon direct the Receiver General to purchase, to the extent of such excess, debentures of the late Dominion of Canada already issued, or debentures of the Province of Canada, or of either of the Provinces of Nova Scotia or New Brunswick, issued before the first day of July, 1867, and such debentures shall then be cancelled, or may be held in reserve until there is authority to re-issue them.

Sections 73, 75
of Post Office
Act repealed
and new pro-
vision made
in lieu thereof.

22. All moneys and interest paid to depositors, and all expenses incurred in maintaining the Savings Banks to be established under this

Payments of
deposits, &c.,
out of Con-

Consolidated
Fund.

Accounts to
Parliament.

Monthly
statements by
Auditor
General.

All parties
receiving
Savings in
deposit
bound to make
Returns, &c.

this Act, or under *The Post Office Act*, 1867, shall be paid out of the Consolidated Revenue Fund, and the moneys received under this Act shall form part of the said fund; and an account of the whole expenses incurred, of the amount of deposits received and paid, and of the total amount due at the close of the financial year, to all depositors, under the authority of this Act, or of *The Post Office Act*, 1867, shall be laid before both Houses of Parliament within ten days after the commencement of the next following session thereof.

23. As soon as possible after the end of each month, the Auditor General shall prepare and insert in the *Canada Gazette* a statement of all moneys under this Act received in deposit or withdrawn during the preceding month, and of the total amount on deposit at the end of the month, and the rate of interest payable on the same.

24. Every person, corporation or institution, except Chartered Banks, receiving money in small sums, on deposit at interest as savings, shall be bound to make such returns as to such deposits, and the investment thereof, as the Governor in Council may from time to time require, and to register with the Minister of Finance, and notify in such manner as the Governor in Council may direct, the name of the institution, and that of the officer or person on whom process may be served in any suit or proceeding, and any wilful refusal or neglect to obey any such Order in Council shall be a misdemeanor.

CAP. VII.

An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.*

[Assented to 14th April, 1871.]

Preamble.

WHEREAS it is expedient to repeal the Act first hereinafter mentioned, under which no Savings Bank has been established, and to amend the laws respecting certain Savings Banks in the Provinces of Ontario and Quebec, acting under temporary Acts, or Acts providing that such Banks shall be subject to the operation of any general law for the better regulation and management of Savings Banks in the said Provinces, and more especially to provide that

*Amended by 35 Vict., cap. 9 (see p. 68), and further amended by 36 Vict., cap. 72. (See p. 69).

that the depositors in any such Savings Bank shall be secured by a certain amount of capital to be held by such Bank; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act forming the fifty-sixth chapter of the Consolidated Statutes of Canada, intituled "An Act respecting Savings Banks," is hereby repealed.

Con. Stat.
Can., c. 56
repealed.

2. The Act of the Legislature of the late Province of Canada, passed in the session held in the fourth and fifth years of Her Majesty's reign, and intituled "An Act to encourage the establishment of, and to regulate Savings Banks in this Province;" and the Act of the said Legislature passed in the twenty-seventh year of Her Majesty's reign, intituled "An Act to amend the Act of 1841, relating to Savings Banks," shall, as regards the Quebec Provident and Savings Bank, the Northumberland and Durham Savings Bank, and the Toronto Savings Bank, and in so far as the said Acts now apply to the said institutions or any of them, remain in force and apply to the same institutions respectively, until the end of the session of Parliament commencing next after the first day of January, 1872, and no longer, subject always to the special provisions herein-after made; and this Act shall also extend and apply to the City and District Savings Bank of Montreal, incorporated by the Act of the Legislature of the late Province of Canada, passed in the twenty-fifth year of Her Majesty's reign, and intituled "An Act to extend and define the powers of the City and District Savings Bank of Montreal,"—and to *la Caisse d'Economie de Notre Dame de Québec*, incorporated by the Act of the said Legislature, passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and intituled "An Act to extend and define the powers of the Savings Bank known under the name of *la Caisse d'Economie de Notre Dame de Québec*,"—as to each of which institutions it is provided by the said Act incorporating it, that it shall not be exempt from the operation of any general law thereafter to be enacted for the better regulation and management of Savings Banks,—and the said institutions respectively shall be entitled to avail themselves of all the provisions of this Act; Provided always, that if the assets and liabilities of any one of the said Savings Banks be under this Act transferred to Her Majesty, or to any existing Chartered Bank, or to any Savings Bank chartered under this Act, the rights and liabilities so transferred shall remain in force, and may be enforced by or against the party to whom they are so transferred; but all the provisions of the said Acts or of any of them, as to the organization of such Savings Banks, or in any wise inconsistent with this Act, shall

Acts 4 and 5
Vict., c. 32,
and

27 Vic., c. 6.

Continued for
a limited time.

Act to apply
to certain
other Savings
Banks.
25 V., c. 66.

29, 30 V.,
c. 130.

Proviso: in
case the assets
and liabilities
of any Savings
Bank are
transferred
under this
Act.

shall cease to be in force from the time such transfer is completed; and provided also, that any offender against the said Acts may be prosecuted, tried, convicted and punished, as if the said Acts had not expired.

Provision for
such transfer.

3. At any time before the expiration of the Acts aforesaid, provision may be made for the transfer or continuance of the business of any of the said Savings Banks, in any one of the following ways, at the option of the Trustees or Managing Directors of the Bank, or a majority of them, that is to say:—

To Govern-
ment.

1. The assets and liabilities of the Bank may be transferred to the Dominion Government; or

To any exist-
ing Bank.

2. They may be transferred to any Chartered Bank, having its chief seat of business or a branch office at the place where the Savings Bank is established, and chartered before the present session of Parliament; or

By charter.

3. The Governor General may grant a charter to the Savings Bank in the manner and on the conditions hereinafter mentioned.

If the transfer
be to the Gov-
ernment.

4. 1. If the Trustees or Managing Directors of the Bank, or a majority thereof, resolve that it is expedient to transfer the assets and liabilities thereof to the Dominion Government, they shall communicate such resolution to the Governor, and shall furnish him with such returns and information with respect to the business and affairs of the Bank as he may think proper to require, and shall permit any person whom he may appoint for the purpose, to have free access to the books, papers, and other documents necessary for the purpose of verifying or extending such information, and if the Governor be satisfied that it is expedient to give effect to the said resolution, an Order in Council may be made for that purpose;

Information
to Governor.

Transfer to
vest assets
and liabilities
in H. M. for
the Dominion.

2. Upon, from, and after a day to be fixed by the Order in Council, all the assets and property, estates and effects, real or personal, *choses* in action, claims, rights and credits of the Bank, and all the powers of the Bank, or of the Trustees or Managing Directors with respect to the same, shall be by virtue of such Order in Council transferred to and vested in Her Majesty for the Dominion of Canada and the purposes of this Act; and the Dominion shall be charged with all the debts and liabilities of the Bank; and any suit, action or proceeding by or against the Bank, pending at the time of such transfer, with respect to any right or liability so transferred to Her Majesty or charged upon the Dominion, may be continued and completed in Her Majesty's name upon suggestion of this Act and the said Order in Council.

3. The business of the Bank may be continued at the same place, as a Branch Savings Bank, under the provisions of the Act of the present Session, intituled "An Act to provide additional facilities for the Deposit of Savings at Interest with the Security of the Government, and for the Issue and Redemption of Dominion Notes," and under the management of an Assistant to the Receiver General.

Business may be continued, and how.

4. If it can be ascertained by estimate, to the satisfaction of the Governor in Council, by what amount the assets of the Bank exceed its liabilities, he may direct a like amount to be invested by the Receiver General in five per cent Dominion Stock, and out of the interest thereof, if sufficient, a like sum shall be paid over to each of the several charitable institutions, among which the surplus profits of the Bank were distributed in the then last year, as each of them then received, or if the interest be insufficient to pay the like sum, then a proportionate part thereof shall be paid to each such institution,—and if there be a surplus after paying such like sum, then such surplus shall be paid over yearly to the Corporation of the Municipality in which the business of the Bank was carried on, to be distributed by such Corporation for charitable purposes; or if such estimate cannot be so satisfactorily made, or if the Governor in Council should deem it more expedient, he may direct that accounts be kept during five years of the proceeds of such assets, and that the excess of the proceeds over the liabilities assumed by the Government, as calculated from such accounts, be invested as aforesaid, and the interest distributed yearly for charitable purposes, in the manner and proportions aforesaid.

Distribution of surplus assets over liabilities.

If the surplus cannot be ascertained, &c.

5. 1. If the Trustees or Managing Directors of the Bank, or a majority of them, resolve that it is expedient that the assets and liabilities thereof be transferred to a Chartered Bank, they may enter into an agreement with the Directors of such Chartered Bank for that purpose, as to the terms and conditions of such transfer, subject to the confirmation of such agreement by the Stockholders of the Chartered Bank, to a general meeting of whom the Directors shall submit such agreement accordingly, and if it is approved by the Stockholders at such meeting it shall be submitted to the Governor in Council for approval, and if approved, an Order in Council may be made confirming it, and it shall then have force and effect, as if embodied in and confirmed by this Act:

If the transfer be to a chartered Bank.

2. And at the time fixed for that purpose by such agreement, all the assets and property, estates and effects, real and personal, *choses* in action, claims, rights and credits of the Savings Bank party to such agreement, and all the powers of such Bank or of the Trustees

Transfer of assets and liabilities.

or

or Managing Directors thereof with respect to the same, shall be by virtue of such agreement transferred to and vested in the Corporation of the Chartered Bank party to such agreement, which shall be charged with all the debts and liabilities of the Savings Bank, and any suit or proceeding by or against the Savings Bank pending at the time of such transfer with respect to any right or liability so transferred, may be continued and completed in the name of the Chartered Bank upon suggestion of this Act and of the said agreement:

Distribution
of surplus of
assets over
liabilities.

3. The value of the assets and property so transferred by a Savings Banks to a Chartered Bank, and the amount of its liabilities assumed by the Chartered Bank shall be ascertained and stated in the agreement (and the Governor may require such estimate to be verified in any way he may think proper), and the interest on any excess of the estimated value of such assets and property over that of such liabilities, shall be distributed yearly by the Chartered Bank among the several charitable institutions among which the surplus profits of the Savings Bank were distributed during the the last year, and in the like proportion.*

If the Savings
Banks is
continued
under a
charter.
Capital.
Petition to the
Governor.

6. †If the Trustees or Managing Directors of the Savings Bank, or a majority of them, resolve that it is expedient that the business of the Bank be continued under a Charter, they shall determine the amount of stock which they consider it expedient that the Bank should have, which shall not be less than \$200,000 nor more than \$2,000,000, and the shares into which it shall be divided, which shall not be less than \$400 each, and shall then communicate their said resolution to the Governor by petition, praying that a Charter be granted incorporating them and such others as may be thereafter associated with them, to carry on the business of the Bank under this Act, and stating the amount of the stock and the shares into which it is divided, and any special provisions which they may desire with respect to those purposes for which it is hereby provided that provision may be made without prescribing what such provision shall be; and the Governor being satisfied that these requirements have been complied with, and that it is expedient that the Charter be granted, may grant the same: The Trustees or Managers so incorporated shall be Provisional Directors, to open a

Stock

Stock book to
be opened :
ten per cent.
to be paid
down.

*By 30 Vict., cap. 72, sec. 3 (p. 69), it is enacted that the Poor Fund of the City and District Savings Bank of Montreal, which is declared to be ascertained and settled at \$180,000, shall be invested and held in debentures of the city of Montreal, with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise.

†Amended by 33 Vict., cap. 72, sec. 1. (See p. 70).

Stock Book and to call the first general meeting of the Stockholders, and to do all such things as may be required preliminary to such meeting: And they shall open such Stock Book accordingly, and receive the signatures of such of their number and other persons as shall be willing to become Stockholders in the Bank, and whom the said Provisional Directors may think proper to accept as such; but no such subscription shall be accepted or held to be made unless the subscriber, at the time of subscribing, pays to the Provisional Directors for the Bank ten per centum on the amount subscribed for, or such other percentage as will amount in the whole to a sum not less than \$100,000, which shall be forthwith invested by the Provisional Directors in Dominion Stock, or other Dominion securities, or public securities of any of the Provinces of the Dominion, in trust for the Bank; and such payment and investment shall be certified to the Governor to his satisfaction; and when the whole stock shall have been subscribed for, and such percentage as aforesaid paid thereon, the Stock Book shall be closed; and if the whole stock be not subscribed for within one month after the granting of the Charter, the Stock Book shall be closed, and the amount then subscribed for and in part paid as aforesaid, not being less than \$200,000, shall be the Capital of the Bank, and when the Stock Book is so closed the Provisional Directors shall call the first general meeting of the Stockholders for the election of Directors and other purposes, in the manner provided in the Charter.

If the whole stock be not subscribed—amount subscribed to be the capital but not less than \$200,000.

The Charter shall be granted for ten years; and shall make such provision on the following subjects as the petitioners may desire, and the Governor may deem expedient, that is to say:—

Duration and provisions of charter.

1. The name of the Bank and the place at which its business is to be carried on;

Name.

2. The calling and holding of the first general meeting of the Stockholders for the election of Directors; the number of Directors, which shall not be less than five nor more than ten, and their general powers; the election of a President (and Vice-President if desired), the filling of vacancies in the office of Director occurring between the annual elections, the quorum of Directors and the mode of voting at their meetings, and who shall preside thereat, with or without a casting vote in case of equality of division; and the payment or non-payment of the President, Vice-President or other Directors;

First General meeting for election of Directors.

3. The making, altering or repealing by the Stockholders, at their general meetings, of by-laws, rules and regulations not being inconsistent with this Act or the Charter, for the management of the affairs

By-laws.

affairs of the Bank, including the mode of transferring and disposing of the stock and profits thereof, and any matter not provided for by this Act or by the Charter;

- | | |
|-----------------------------|--|
| General meetings. | 4. The general yearly meetings and special general meetings of the Stockholders, the powers thereof, and the proceedings thereat; |
| Officers. | 5. The appointment of officers, and the security to be given by them; |
| Dividends. | 6. The making of dividends to the Stockholders on the profit of the Bank; but no dividend shall be made to impair the paid-up Capital of the Bank. |
| Inspection of books, &c. | 7. The inspection of the books, papers, and correspondence, as respects the right of the Directors and Stockholders respectively to make such inspection; |
| Loans to Directors. | 8. The limiting of loans to or on the security of any Director of the Bank; |
| Returns to Government. | 9. The returns to be made by the Bank to the Government or to Parliament, including certified lists of the Stockholders, the periods at which they shall be made, and what they shall shew, the verification of such returns, and the right of the Governor to require further information if he deems it expedient; |
| Real estate. | 10. The holding of real estate by the Bank for its own occupation and use, and the value of the real estate to be so held; |
| Other matters. | 11. Such other matters and subjects not specially provided for in this Act, as may be deemed necessary for the management of the affairs and business of the Bank and of the nature of those usual in Bank Charters; |
| Effect of Charter. | 12. And all provisions made in such Charter on any of the subjects and matters aforesaid, not being inconsistent with this Act or with the law of Canada, shall have force and effect as if herein enacted; and the following provisions of this Act shall apply to such Bank without being inserted in its Charter. |
| Qualification of Directors. | 7. The qualification of a Director shall be the holding of twenty-five shares of stock, and the Directors shall be elected annually at a general meeting of the Shareholders, and shall be eligible for re-election; and each Stockholder shall, on all occasions on which the votes of the Shareholders are to be taken, have one vote for each share held by him, for at least three months before the time of voting: Stockholders may vote by proxy, but no person but a Stockholder shall vote or act as such proxy: And no Cashier, Bank Clerk |
| Votes. | |

Clerk or other officer of the Bank shall vote either in person or by Proxier. proxy or hold a proxy for that purpose.

8. So soon as the first general meeting of the Stockholders, for the election of Directors and other purposes, has been held, and the Directors elected, all the assets and property, estates and effects, real or personal, *choses* in action, claims, rights and credits of the Savings Bank to be continued under such Charter, and all the powers of such Savings Bank or of the Trustees or Managing Directors thereof, with respect to the same, shall be, *ipso facto*, and by virtue of the said Charter and of this Act, transferred to and vested in the Corporation of the Chartered Bank, and the Directors thereof, and such Chartered Bank, shall be charged with and liable for all the debts and liabilities of the Savings Bank; and any suit or proceeding by or against the Savings Bank, or the Trustees or Managing Directors thereof, pending at the time of such transfer, with respect to any right or liability so transferred, may be continued and completed in the name of the Chartered Bank, upon suggestion of this Act and the said Charter.

Transfer of rights and liabilities to the New Chartered Bank.

9. *The Directors of the Chartered Bank may call up the stock subscribed for and remaining unpaid, by calls not exceeding five per cent. and at intervals of not less than three months, whenever it shall in their opinion be necessary or expedient to make such calls; but it shall be their duty to call up five per cent. of the stock, or such other percentage thereof as will in the whole amount to not less than \$100,000, every twelve months after the first election of Directors, until twenty-five per cent. of the whole stock, or \$200,000 if the capital be not more than \$800,000, shall have been paid up, and all stock when paid up shall be invested in Dominion Stock, or other Dominion securities, or public securities of any of the Provinces of the Dominion: Provided that the limitation of the amount of any call, or of the intervals at which calls may be made, shall not apply to the case of deficiency of the funds of the Bank to meet the claims of depositors and other liabilities, which case is provided for in the eleventh section.

Calling in Stock, and obligations of Directors in that behalf.

Proviso.

10. The amount of every such call if not paid when due, may be recovered with interest by the Directors in the name of the Bank, in any Court having jurisdiction to the amount; and in any action for the recovery thereof, it shall be sufficient to allege and prove the Charter, and that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the

Recovery of calls by action. Proof in such case.

*Amended by 36 Vic., cap. 72, sec. 1, (see p. 70).

the amount is due, without alleging or proving any other matter or thing whatever, and the evidence of any officer of the Bank, cognizant of any fact required to be proved, shall be sufficient proof thereof, and any copy of the Charter, purporting to be certified as a true copy thereof by the Secretary of State of Canada, shall be deemed authentic and shall be *prima facie* evidence of the Charter and of the contents thereof.

Liability of stockholders in case of deficiency of assets to meet claims.

11. The stockholders of the Bank shall, in the event of its funds in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, be liable for the deficiency, so far as that each stockholder shall be liable to an amount equal to the amount (if any) not paid up of their shares respectively; and no more; and the Directors may and shall make calls on the unpaid-up stock to the full amount not paid up, or to such less amount as they may deem necessary to pay all such claims and other liabilities, without waiting for the collection of any debts due to the Bank, or the sale of any of its assets or property; such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which the call shall be payable; any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in the manner hereinbefore provided as to calls on unpaid-up stock; and the first of such calls shall be made within ten days after such deficiency as aforesaid shall be ascertained, and the failure on the part of any Stockholder liable to such call to pay the same when due, shall operate a forfeiture by such Stockholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred.

Calls in such case.

Liability after transfer of shares for a certain period.

12. Persons who having been Shareholders in the Bank, have only transferred their shares or any of them to others or registered the transfer thereof, within one month before the commencement of the failure of the Bank to meet the claims of its depositors on demand, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred; and any Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by reason of such default; and any assignee or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvency, shall have the powers of the Directors with respect to such calls.

Liability of Directors refusing to make such calls.

13. The shares in the Bank shall be personal property, and transferable in the manner provided by the By-laws and regulations to be made as aforesaid; and the transferee shall have the rights and be subject to the liabilities of the original holder, but no share shall be divided, and if any shares be held by several persons jointly, one of them shall be appointed by the others to vote thereon, to receive dividends and to do all things that may require to be done in respect thereof, and his power to that effect shall be lodged with the Bank.

Transfers of
Stock.

14. It shall be lawful for the Bank to receive deposits of money for the benefit of persons depositing the same, and to invest the same as hereinafter provided, and to accumulate the revenues and profits which shall be derived from the investment of so much thereof as shall not be required to meet ordinary demands by the depositors, and out of such accumulation to allow and pay to the depositors thereof such rate of interest on such deposits as shall from time to time be fixed by the Governor in Council, such rate not being less than four nor more than five per cent. per annum.

Bank may re-
ceive deposits
and pay inter-
est.

The rate to be
fixed by
Governor in
Council.

15. Every depositor, whether male or female, on making his or her first deposit in the said Bank, shall disclose and declare his or her name, residence, quality and occupation.

Depositors to
give name and
address.

16. It shall be lawful for the Bank to receive deposits from any person or persons whosoever, whatever be his, her or their status or condition of life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and to pay any part of or all the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials being required, any law, usage or custom to the contrary notwithstanding: Provided always, that if the person making any deposit in the Bank be not, by the existing laws of the Province where the Bank is established, authorized to do so, then the total amount of deposits made by such person shall not exceed the sum of two thousand dollars.

Deposits from
minors and
persons not
otherwise able
to enter into
contracts.

17. *It shall be lawful for the Bank to invest any moneys deposited therewith, to an amount not exceeding in any case its subscribed capital, in any stock or public securities of the Dominion, or of any of the Provinces of the Dominion, or in any Municipal Debentures, or in the manner provided in the next following sections, and not otherwise, except only in the manner hereinafter provided

Investment of
deposits to
the amount of
the subscribed
Capital of
the Bank.

Proviso.

provided as to deposits in excess of the amount of the capital of the Bank: Provided, that the Bank may continue to hold any stock of any now existing chartered Bank, held by it before it becomes charter under this Act, and may sell and dispose of such stock.

The same.

What collateral security may be taken.

18. It shall also be lawful for the Bank to loan such moneys to the amount of its subscribed capital, and no more, upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature mentioned in the next preceding section, or British or Foreign Public securities, or stock of some chartered bank in Canada, or any stock in the incorporated Building Societies, or in bonds or debentures or stock of any incorporated Institution or Company, be taken in addition to such personal or corporate security, with authority to sell such securities if the loan be not paid; but the Bank shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate, except that nothing herein contained shall prevent the Bank from taking security upon real estate in addition to such collateral securities, subsequently to the making of the loan, and subsidiary to the security originally taken therefor.*

Enforcing payment of loans made by the Bank on collateral security.

19. In the event of the Bank making any loan under the two next preceding sections, upon personal securities with collateral security, other than real property, for the repayment thereof, if the repayment is not made within thirty days after such loan becomes due or payable, the Bank may sell the same after notice shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to the last known place of his residence, a letter containing such notice; and such sale may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures, or negotiable paper; and the President or Vice-President, Manager, Cashier, or other Officer of the Bank, thereunto authorized by the Directors, may transfer and convey any securities so sold to the purchaser, in whom the property in such security shall become vested by such conveyance or transfer, but without any warranty from the Bank, or from any officer thereof; and the Bank shall only be bound to account to the person or persons indebted to it in the amount of such loan, for the actual net proceeds of the sale of such collateral securities, after deduction of all costs and charges thereon; Provided always, that nothing herein contained shall prevent the Bank from collecting or realizing such debt, or any balance which may be due thereon, on such collateral

Proviso :
Other recourse not affected.

* There is a discrepancy between the English and French versions of this section. 35 Vic., cap. 9, sec. 3 (see p. 69), declares the *English* version to be correct. This section is amended by sec. 2 of the same Act.

lateral securities, in any way that may have been agreed on with the borrower depositing the same, or in any other lawful way that the Directors may deem for the interest of the Bank.

20. The Bank may purchase any lands or real estate offered for sale under execution at the suit of the Bank, or exposed to sale by the Bank under a power of sale given to it for that purpose, in cases where, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto as any individual purchasing at Sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure.

Bank may purchase land mortgaged to it, if sold under execution, &c.

21. The Bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure in any Court of Chancery or of Equity, or by other means whereby, as between individuals, an equity of redemption can by law be barred, or may purchase and acquire any prior mortgage or charge on such land.

And obtain an absolute title, by release, &c., of equity of redemption.

22. Nothing in any Act or law shall be construed as having prevented or as preventing the Bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged.

May exercise power of sale, &c.

23. *Beyond the amount of its subscribed capital stock, the Bank shall make no investment of moneys deposited therewith except only in Debentures of the late Province of Canada, or Debentures secured by the Government of Canada, or Debentures of any of the Provinces constituting the Dominion of Canada, or in Dominion Stock bearing interest at a rate greater by one per cent. per annum, than that which at the time of such investment the Bank is directed by the Governor in Council to pay to depositors; and such Stock the Receiver General may issue to the Bank at par in sums not less than \$1,000, on payment by the Bank of the nominal amount of such stock, which shall not be transferable, but shall be issued and redeemed, and the interest paid thereon, in such manner and at such times, on such notice, in such sums, and shall in all respects be subject to such regulations, as may from time to time be prescribed by

Investments beyond the amount of subscribed capital, to be in Government securities.

Stock may be issued for that purpose.

this section. correct. This

* Amended by 36 Vic., cap. 72, sec. 1, (p. 70).

by the Treasury Board and approved by the Governor in Council, the interest on such stock while unredeemed being paid to the Bank.

Not to prevent deposit on call in a chartered Bank.

24. Nothing in the four next preceding sections shall prevent the Bank from depositing money in any of the chartered Banks carrying on the general business of banking in the same place, such money being so deposited on call, to be withdrawn at any time without notice, and whether with or without interest.

Excess of assets over par value, how to be dealt with.

25. Within three months after the election of Directors of any Savings Bank chartered under this Act, the Directors shall make out a statement of the affairs of the Bank, showing the value of its assets, (including any reserve fund), at par, and during two years from the date of such statement they may realize such assets at their market value, keeping an account of the proceeds thereof; and during such two years they shall distribute yearly to charitable institutions the average amount per annum which the Trustees or Managing Directors of the Savings Bank for which such Chartered Bank is substituted, so distributed during the three years next preceding the granting of the Charter; and at the end of such two years the amount ascertained to have been realized for such assets (and such reserved fund) over and above their nominal value at par, shall be invested in Dominion Stock by the Directors, and the interest thereof shall be distributed yearly by the Directors among charitable institutions.*

Failure to elect Directors how remedied.

26. No failure to elect Directors of any such Chartered Savings Bank shall operate any dissolution of the Corporation; but in case of such failure to elect, the required election shall be made as soon thereafter as may be, at a special meeting of the Stockholders, which the Directors are hereby authorized to call for that purpose; and until such subsequent election shall be made, the official acts of the Directors holding office shall be valid.

Director becoming insolvent.

27. Any Director of any such Bank who shall become openly and notoriously insolvent, or shall have assigned his estate and effects for the benefit of his creditors, or shall absent himself without the consent of the Board for twelve consecutive months from the meetings of the Directors, or shall have been convicted of any felony, shall thereupon, *ipso facto*, cease to be a Director, and the vacancy so created shall forthwith be filled up in the manner provided by the Charter.

28.

*Amended (see Note, ante p. 56), as to the City and District Savings Bank of Montreal. 36 Vic., Cap. 72, sec. 4, also gives like powers to *La Caisse d'Economie de Notre Dame de Quebec*, whose poor fund is declared to be ascertained and settled at \$83,000.

28. If the interest in any deposit or share in any such Bank becomes transmitted in consequence of the death or bankruptcy of any depositor or Shareholder, or in consequence of the marriage of a female depositor or Shareholder, or by any other lawful means than by a transfer upon the books of the Bank, or by deed signified upon the Bank, such transmission shall be authenticated by a declaration in writing, which declaration shall distinctly state the manner in which and the party to whom such deposit shall have been transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, sworn to before a Judge or Justice of a Court of Record or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and sworn to, shall be left with the Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party so entitled to the same, under such transmission, in the books of the Bank, as proprietor of such deposit or share; and until such transmission shall have been so authenticated, no party or person claiming, by virtue of any such transmission, shall be entitled to receive such deposit or share or any part thereof, or of any interest or dividend thereon; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a deposit or share in the Bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Manager or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration; and that if payment be made to any depositor of any deposit or of any interest thereon, or of any dividend on any share after transmission thereof by any of the means mentioned in this section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the said Bank.

Transmission of Shares or deposit otherwise than by regular transfer, how proved.

Proviso: as to declaration made in a foreign country.

Proviso: Bank may require further proof.

29. If the transmission of any deposit or share be by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit or share; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or Shareholder, the probate of the will, or, if

Transmission by marriage or by decease.

it be notarial, an authentic copy thereof or the letters of administration or act of tutorship, or curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Books of the Bank.

Bank not bound to see to trusts.

30. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the deposits or shares therein may be subject; and the receipt of the party in whose name any such deposit or share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the Bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit or share, unless express notice to the contrary has been given to the Bank, or such deposit be made upon express conditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions; the whole notwithstanding any trust to which such deposit may then be subject, and whether or not the said Bank have had notice of such trust; and the said Bank shall not be bound to see to the application of the money paid on such receipt, whether given by one of such parties or all of them.

If the stock stands in the names of more than one person.

Payments made in good faith on certain documents to be valid.

31. Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person or persons appearing *prima facie* to be entitled to such interest, dividend, or deposit, by the production of a declaration in writing, and of the documents in support thereof hereinbefore mentioned, shall be valid; and the discharge of such person or persons shall be sufficient, and shall discharge the bank from all or any further claim by any person whomsoever for such interest dividend or deposit.

Punishment of officers fraudulently altering books &c., or embezzling money of the Bank.

32. If any officer, clerk, or servant employed under the provisions of this Act, defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose; or if any such officer, clerk, or servant secretes, appropriates, or embezzles any bond, obligation, bill or note, or any security for money, or any money or effects, entrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk, or servant, to whosoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment

ment

ment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement, for any time less than two years, in the discretion of the Court before whom he may be convicted; Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen or impair any remedy which Her Majesty, or the Receiver General, or any other person or party would otherwise have against any other person or party whatsoever.

33. Any person who falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and not being such owner, with intent to defraud, demands or claims from the Bank with which such deposit has been made, or from any party employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor, and shall on conviction be punishable accordingly; Provided, that any offender against the provisions of this or the next preceding section, may be indicted and punished either under this Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence.

34. The making of any wilfully false or deceptive statement in any account, return, report, or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor; and any President, Vice-President, Director, Auditor, Cashier, or other officer of the Bank, preparing, signing, approving or concurring in such statement, return, report or document, or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof.

35. No Savings Bank chartered under this Act shall issue any Bank note, or note intended to circulate as money or as a substitute for money, or be deemed a Bank within the meaning of the Act respecting Banks and Banking.

36. This Act shall be subject to any general provisions which Parliament may deem it advisable to make for protecting the interest of depositors in any Savings Bank or of the public; and to those of any general winding up Act which may be declared to apply to Savings Banks acting under this Act; and no such provision, or any provision that may be made for carrying out the true intent

intent and objects of this Act shall be deemed an infringement of the privileges of any Savings Bank or Banks acting as such under this Act.

Lists of
shareholders
in Landed
Credit Com-
panies to be
laid before
Parliament
yearly.

37. *Certified lists of the shareholders of Landed Credit Companies, with their additions and residences, the number of shares they respectively hold and the amount paid thereon, shall be laid before Parliament every year within fifteen days of the opening of the session.

CAP. IX.

An Act to amend the Chapters Six and Seven of the Statutes of 1871 relating to Savings Banks.

[Assented to 14th June, 1872.]

Preamble.
34 Vict., c. 6.

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act to provide additional facilities for Depositing Savings at Interest, with the Security of the Government, and for the Issue and Redemption of Dominion Notes*,"—Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 16
amended as to
surplus of
assets over
liabilities of
St. John Sav-
ings Bank,
N.B.

1. Whereas by the sixteenth section of the Act cited in the preamble, it is provided that any surplus or deficiency in the property and assets, as compared with the liabilities, of the St. John Savings Bank (New Brunswick) shall be taken into account, and a proper allowance made therefor, in the settlement of the accounts between the Dominion and the said Province, and it has been found expedient, and has been agreed, that the following provision be made in lieu of that so made as aforesaid, therefore,—the surplus of the assets and property over the liabilities of the said St. John Savings Bank, on the first day of July, 1871, which has been ascertained to be thirty-nine thousand five hundred and sixty dollars and forty-four cents, shall be left in the hands of the trustees of the said Savings Bank, to be by them appropriated and paid over for such local purpose or purposes of public interest, in the city of St. John, as may be approved by the Governor in Council,—and so much of the said section or Act as may be inconsistent herewith is hereby repealed.

2.

*Repealed by 36 Vic., cap. 72, sec. 5, (see p. 72).

2. And whereas the affairs and business of the Northumberland and Durham Savings Bank have been wound up and the institution has been closed, in view of the approaching expiration of the Act under which it was constituted, passed by the Legislature of the late Province of Canada, in the session thereof, held in the fourth and fifth years of Her Majesty's reign, and intituled "*An Act to encourage the establishment of, and to regulate Savings Banks in this Province*,"—and there is no charitable institution to which the surplus of the assets of the institution over its liabilities ought to be distributed under the said Act,—Therefore the surplus of the assets of the said Savings Bank over its liabilities, on the tenth day of April, 1872, which have been ascertained to be eighty-seven thousand six hundred and sixty-nine dollars and ninety-one cents, shall be left in the hands of the Trustees of the said Savings Bank, or the majority of them, to be by them appropriated to some local purpose or purposes of public interest, subject to the approval of the Governor in Council.

Provision for distribution of surplus of assets over liabilities of Northumberland and Durham Savings Bank.

3. And for the avoidance of doubt by reason of a discrepancy between the English and French versions of the eighteenth section of the Act passed in the thirty-fourth year of Her Majesty's Reign, and intituled: "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*,"—it is hereby declared that the English version of the said section is correct, and that for the expression *capital versé*,—in the second line of the said section as printed in French by the Queen's Printer, the expression *capital souscrit* ought to have been and is hereby substituted, and the said section and Act, shall have effect as if such substitution had been made at the time of the passing of said Act.

Error in French version of s. 18 of 34 Vic., c. 7, corrected.

CHAP. 72.

An Act to amend the Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.

[Assented to 23rd May, 1873.]

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
34 Vic., c. 7.

1.

Sections 6, 9,
37, 18 and 23
amended as to
investment of
stock and
deposits.

1. So much of the sixth, ninth, seventeenth, eighteenth or twenty-third sections, or of any other part of the said Act, as requires that the capital stock or any part of the capital stock of a Savings Bank to which the Act applies, shall be or remain invested in Dominion stock or other Dominion securities, or securities of any of the Provinces of the Dominion, or as provides that beyond the amount of its subscribed capital stock a Savings Bank to which the Act applies shall make no investment of moneys deposited therewith, except only in the debentures or Dominion stock therein mentioned, or as empowers the Receiver General to issue to any such Bank Dominion stock bearing interest at a rate greater by one per cent. per annum than that which at the time of such investment the Bank is directed by the Governor in Council to pay to depositors, is hereby repealed, except only as respects such last mentioned Dominion stock issued before the passing of this Act; and it shall be lawful for any such Savings Bank to invest or loan any amount whatever of the moneys deposited with it or of its capital stock, in any manner in which it may, under the provisions of the eighteenth section of the said Act, invest or loan any amount of the moneys deposited with it: Provided always, that every such Savings Bank shall always hold at least twenty per cent. of the moneys deposited with it in Dominion securities or deposits in Chartered Banks, on call.

Proviso.

Monthly
returns by the
Bank to the
Government.

2. Monthly returns shall be made, by every Bank to which the said Act applies, to the Government, and shall be made up within the first ten days of each month, and shall exhibit the condition of the Bank on the last juridical day of the month next preceding; and such monthly returns shall be signed by the President or Vice-President, or the Director then acting as President, and by the Manager, Cashier or other principal officer of the Bank at its seat of business, and shall be published in the *Canada Gazette*; and such monthly returns shall be in the following form, and shall be instead of any periodical returns (if any) required by the charter of the Bank, except the certified lists of stockholders; and the first of such monthly returns under this Act shall be made within the first ten days of the month of July in the present year, 1873:—

Form thereof.

RETURN of the amount of Liabilities and Assets of the (*name of the Bank*) on the _____ day of _____, A.D. 18 ____.

CAPITAL STOCK, \$ _____

CAPITAL PAID-UP, \$ _____

LIABILITIES.

1. Dominion Government deposits, payable on demand..
2. Provincial Government deposits, payable on demand.

\$ cts.

3.

	\$	cts.
3. Other deposits, payable on demand.....		
4. Dominion Government deposits, payable after notice or on a fixed day.....		
5. Provincial Government deposits, payable after notice or on a fixed day.....		
6. Other deposits, payable after notice or on a fixed day.		
7. Special Poor Fund or Charity Fund Trust.....		
8. Liabilities not included under the foregoing heads		

ASSETS.

	\$	cts.
1. Dominion securities.....		
2. Provincial or municipal securities.....		
3. Loans for which Dominion or Provincial securities are held as collateral security.....		
4. Loans for which Bank stocks are held as collateral security		
5. Loans for which other stocks, bonds or debentures, as authorized by law, are held as collateral security.		
6. Cash in hand or in deposit on call in Chartered Banks.		
7. Special Poor Fund or Charity Fund investments.....		
8. Investments in Bank stock made previous to the incorporation of the Bank.....		
9. Other assets not included under the foregoing heads..		

We declare that the foregoing return is made up from the books of the Bank, and that it is correct, to the best of our knowledge and belief.

(Place) this day of , 18 .

A. B., *President, &c.*

C. D., *Cashier, &c.*

3. The principal of the Poor Fund of the City and District Savings Bank of Montreal, under the third sub-section of section five of the said Act, which has been ascertained and settled at one hundred and eighty thousand dollars, shall be invested and held by the said Bank in debentures of the city of Montreal, with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise. Poor Fund at Montreal.

4. The principal of the Charity Fund of *La Caisse d'Economie de Notre Dame de Québec*, under the said sub-section of section twenty-five of the said Act, which has been ascertained and settled Charity Fund at Quebec.

at

at eighty-three thousand dollars, shall be invested and held by the said Bank in debentures of the city of Quebec, with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise.

Sect. 37 repealed.

5. Section thirty-seven of the said Act is hereby repealed.

CHAP. 71.

An Act respecting Interest and Usury in the Province of Nova Scotia.

[Assented to 23rd May, 1873.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interest, where no rate is fixed.

1. In the Province of Nova Scotia in all cases where interest is or may be chargeable or recoverable by law or by any contract express or implied, and the rate of interest shall not have been agreed upon in writing as hereinafter provided, such rate shall be six per cent. per annum.

When secured on land, &c.

2. Any person may nevertheless stipulate and agree in writing for any rate of interest not exceeding seven per cent. per annum, for the loan or forbearance of money to be secured on real estate or chattels real: Any person may also stipulate in writing for or may receive in advance any rate of interest not exceeding ten per cent. per annum, where the security for the payment of the money consists only of personal property or the personal responsibility of the party to whom forbearance is given or others.

In action on contract, defendant may have interest reduced to legal rate.

3. In any action brought on any contract whatsoever, in which there is directly or indirectly taken or reserved a rate of interest exceeding that authorized in the second section of this Act, the defendant may, the same being duly pleaded as in other cases, prove such excessive interest, and it shall be deducted from the amount due on such contract.

Exception as to bottomry bonds.

4. The foregoing provisions shall not extend to any hypothecation or agreement in writing entered into for money advanced upon the bottom of a ship or vessel, her cargo or freight.

Repeal.

5. Sections one, three and six, of chapter eighty-two of the Revised Statutes of Nova Scotia, second series, intituled "*Of*

Interest."

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Interest, continued in force in the Appendix to the Revised Statutes of Nova Scotia, third series, page 741, are hereby repealed, except as provided in the next following section, with respect to the cases therein mentioned.

6. Nothing in this Act shall extend to or be construed to extend to contracts or securities entered into before the passing of this Act, or to legalize any previous contract, security or loan, made, entered into, given or taken before the passing of this Act; but all such contracts, securities or loans shall be construed, considered and dealt with, as well in civil suits as in proceedings for penalties, as if this Act had not been passed; and for all such cases the said chapter eighty-two of the second series of the Revised Statutes of Nova Scotia, intituled "*Of Interest,*" shall be considered in force and unrepealed.

Act not to extend to existing contracts, &c.

What law shall apply to them.

7. Nothing in this Act shall extend or be construed to extend or apply to or affect any Chartered Bank.

Act not to extend to banks.

CHAP. 18.

An Act relating to Interest and Usury in the Province of New Brunswick.

[Assented to 8th April, 1875]

WHEREAS it is expedient to repeal a portion of the laws at present in force in the Province of New Brunswick relating to usury: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. From and after the passing of this Act, any person or persons may stipulate for, allow and exact on any contract or agreement whatsoever made or to be performed in the Province of New Brunswick, any rate of interest or discount which may be agreed upon.

Any rate agreed on shall be lawful.

2. None of the provisions of this Act shall apply to any bank or incorporated company, but all laws at present in force in the said Province relating to interest or usury shall remain in full force in relation to all transactions of such banks or incorporated companies.

Exception as to Banks, &c.

3.

Existing
rights saved.

3. Nothing herein contained shall prejudice or affect the rights or remedies of any person, or diminish or alter the liabilities of any person, in respect to any act done before the passing of this Act.

Inconsistent
laws repealed.

4. All Acts and parts of Acts of the General Assembly of the Province of New Brunswick inconsistent with the provisions of this Act are hereby repealed.

CAP. IX.

An Act to impose duties on Promissory Notes and Bills of Exchange.*

[Assented to 21st December, 1867.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Duties im-
posed on Notes
Drafts and
Bills.

1. Upon and in respect of every Promissory Note, Draft or Bill of Exchange, for an amount not less than twenty-five dollars, made, drawn or accepted in Canada, upon or after the first day of February, in the year one thousand eight hundred and sixty-eight, there shall be levied, collected and paid to Her Majesty, for the public uses of the Dominion, the duties hereinafter mentioned, that is to say :—

The Duties.

On each such Promissory Note, and on each such Draft or Bill of Exchange, a duty of one cent, if such Note, Bill or Draft, amounts to but does not exceed twenty-five dollars ;—a duty of two cents if the amount thereof exceeds twenty-five dollars but does not exceed fifty dollars,—and a duty of three cents if the amount thereof exceeds fifty dollars but is less than one hundred dollars.

On each such Promissory Note, and on each such Draft or Bill of Exchange, for one hundred dollars or more, executed singly, a duty of three cents, for the first hundred dollars of the amount thereof, and a further duty of three cents for each additional hundred dollars or fraction of a hundred dollars of the amount thereof ;

On each such Draft or Bill of Exchange executed in duplicate, a duty of two cents on each part for the first hundred dollars of the amount thereof, and a further duty of two cents for each additional

* Amended by 33 Vic., cap. 13, (p. 80), and again by 37 Vic., cap. 47, (p. 83).

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(p. 83).

additional hundred dollars or fraction of a hundred dollars of the amount thereof;

On each such Draft or Bill of Exchange executed in more than two parts, a duty of one cent on each part for the first hundred dollars of the amount thereof, and a further duty of one cent for each additional hundred dollars or fraction of a hundred dollars of the amount thereof;

And any interest made payable at the maturity of any Bill, Draft or Note, with the principal sum, shall be counted as part of the amount thereof.

2. Every bill, draft, order or instrument,—

For the payment of any sum of money by a bill or promissory note, whether such payment be required to be made to the bearer or to order,—

What shall be
deemed instru-
ments liable to
duty.

Every document usually termed a letter of credit, or whereby any person is entitled to have credit with, or to receive from or draw upon any person for any sum of money,—

And every receipt for money, given by any bank or person, and entitling the person paying such money, or the bearer of such receipt, to receive the like sum from any third person,—

Shall be deemed a bill of exchange or draft chargeable with duty under this Act.

3. Every bill of exchange, draft or order drawn by any officer of Her Majesty's Commissariat, or by any other officer in Her Majesty's Imperial or Provincial Service, in his official capacity, or any acceptance or endorsement by such officer on a bill of exchange drawn out of Canada, or any draft of or on any Bank payable to the order of any such officer in his official capacity as aforesaid, or any note payable on demand to bearer issued by any Chartered Bank in Canada, or by any Bank issuing such note under the Act, chapter fifty-five of the Consolidated Statutes of the late Province of Canada, intituled: *An Act respecting Banks and freedom of Banking*, shall be free from duty under this Act,—and

Exemptions
from duty.

Any cheque upon any Chartered Bank or Licensed Banker, or on any Savings Bank, if the same shall be payable on demand,—

Any post office money order, or order on any post office Savings Bank,—and

Any municipal debenture or coupon of such debenture,—shall be free of duty under this Act.

How the duties
shall be paid.
Stamped
paper.

4. The duty on any such Promissory Note, Draft, Bill of Exchange, or part thereof, shall be paid by making it upon paper stamped in the manner hereinafter provided, to the amount of such duty,—or

Adhesive
stamps.

By affixing thereto an adhesive stamp or adhesive stamps of the kind hereinafter mentioned, to the amount of such duty, upon which the signature or part of the signature of the maker or drawer, or in the case of a Draft or Bill made or drawn out of Canada of the acceptor or first endorser in Canada, or his initials, or some integral or material part of the instrument shall be written, so as (as far as may be practicable) to identify each stamp with the instrument to which it is attached, and to show that it has not before been used, and to prevent its being thereafter used for any other instrument,—or

Provision for
canceling ad-
hesive stamps.

Or date to be
written on
Stamp.

The person affixing such adhesive stamp, shall, at the time of affixing the same, write or stamp thereon the date at which it is affixed, and such stamp shall be held *prima facie* to have been affixed at the date stamped or written thereon ;

Penalty for
non-com-
pliance with
this Act.

Avoidance of
Instrument.

And if no integral or material part of the instrument, nor any part of the signature of the maker, drawer, acceptor or first indorser in Canada be written thereon, nor any date be so stamped or written thereon, or if the date do not agree with that of the instrument, such adhesive stamp shall be of no avail ; and any person wilfully writing or stamping a false date on any adhesive stamp shall incur a penalty of one hundred dollars for each such offence.

Stamped
paper may be
prepared and
used.

5. The Governor in Council may from time to time direct stamped paper to be prepared for the purposes of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated monies forming part of the Consolidated Revenue Fund ; but the device on each stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duties imposed by this Act.

Or adhesive
Stamps.

6. The Governor in Council may from time to time direct stamps to be prepared for the purposes of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated monies forming part of the Consolidated Revenue Fund ; but the device on each stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duties hereby imposed.

7. Provided, that as regards any Promissory Note, Draft or Bill of Exchange on which the duty is payable in Nova Scotia, the amount on which the duty is payable under this Act, and the amount of such duty, shall be reckoned in the currency of that Province, and the stamped paper and stamps to be used there shall be marked accordingly, and shall not be used in any other part of Canada.

As to duty payable in Nova Scotia.

8. The Minister of Inland Revenue may appoint any Postmasters, Collectors of Inland Revenue, or other officers of the Government, to be the distributors of stamps and stamped paper, under this Act, and may authorize any other person to purchase stamps from such distributors to sell again;—and the Governor in Council may fix the remuneration to be allowed to such distributors, and the discount to be made to persons so purchasing to sell again; but such discount shall in no case exceed five per cent. on the value of such stamps, and shall not be allowed on any quantity less than one hundred dollars worth.

Sale and distribution of stamps and stamped paper

9. The Governor in Council may make such further regulations as he may deem necessary for carrying this Act into effect, and may by any order in Council declare that any kind or class of instruments as to which doubts may arise, are or are not chargeable with any and what duty under this Act according to the true meaning thereof; and any order in Council made under this Act may be explained, amended or repealed by any other such order of later date; and any order in Council under this Act shall be published, and may be proved in the manner provided by the Act respecting the Customs as to orders in Council under that Act.

Governor in Council may make further regulations, to provide for doubtful cases.

10. The stamp or stamps required to pay the duty hereby imposed shall in the case of any Promissory Note, Draft or Bill of Exchange made or drawn within Canada, and not made upon paper stamped to the amount of the duty, be affixed by the maker or drawer thereof, and in the case of any Draft or Bill of Exchange drawn out of Canada, by the acceptor thereof or the first indorser thereof in Canada; and such maker or drawer, acceptor or first indorser, failing to affix such stamp or stamps at the time of making, drawing, accepting or indorsing such Note, Draft or Bill, or affixing stamps of insufficient amount shall thereby incur a penalty hereinafter imposed, and the duty payable on such instrument, or the duty by which the stamps affixed fall short of the proper amount, shall be doubled; stamps upon the paper being deemed to be affixed thereto for all the purposes of this Act; and any deficiency in the amount of the stamp on the paper may be made up by adhesive stamps.

By whom the stamps shall be affixed.

Penalty in default and duty doubled.

Penalty for
not affixing the
proper stamps.

Exception in
favor of subse-
quent parties;
double duty
to be paid.

Presumption
in suits for
penalties.

Provision in
favor of inno-
cent parties.

Holder may
pay duty
without
becoming
a party.

11. *If any person in Canada makes, draws, accepts, indorses, signs, becomes a party to or pays any promissory note, draft, or bill of exchange, chargeable with duty under this Act, before the duty (or double duty as the case may be) has been paid by affixing thereto the proper stamp or stamps, such person shall thereby incur a penalty of one hundred dollars, and save only in case of the payment of double duty as hereinafter mentioned, such instrument shall be invalid and of no effect in law or in equity, and the acceptance, or payment or protest thereof shall be of no effect; except that a subsequent party to such instrument or person paying the same, may at the time of his so paying or becoming a party thereto, pay such double duty by affixing to such instrument a stamp or stamps to the amount thereof, or to the amount of double the sum by which the stamps affixed fall short of the proper duty, and by writing his signature or part thereof, or his initials or the proper date, on such stamp or stamps, in the manner and for the purposes mentioned in the fourth section of this Act; and such instrument shall hereby become valid, but no prior party who ought to have paid the duty thereon shall be released from the penalty by him incurred as afore-said; and in suing for any such penalty, the fact that no part of the signature of the party charged with neglecting to affix the proper stamp or stamps is written over the stamp or stamps affixed to any instrument, or that no date, or a date that does not correspond with the time when the duty ought to have been paid, is written or marked on the stamp or stamps, shall be *prima facie* evidence that such party did not affix it or them as required by this Act.

12. *No party to or holder of any Promissory Note, Draft, or Bill of Exchange, shall incur any penalty by reason of the duty thereon not having been paid at the proper time and by the proper party or parties, provided that at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge that they were not affixed at the proper time and by the proper party or parties, and that he pays the double duty or additional duty as soon as he acquires such knowledge,—and any holder of such instrument may pay the duty thereon, and give it validity, under section eleven of this Act, without becoming a party thereto;—in this section the word “duty” includes any double or additional duty payable under the said section eleven.

13.

*These sections (11 and 12) are repealed, and others substituted therefor by 33 Vict., cap. 13 (see p. 80).

Section 12, so substituted, is again repealed, and another section enacted in its stead by 37 Vict., cap. 47, sec. 3 (see p. 83).

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13. If any person wilfully affixes to any promissory note, draft or bill of exchange, any stamp which has been previously affixed to any other, or used for the purpose of paying any duty under this Act or any other Act, or which has been in any way previously written upon or defaced, such person shall be guilty of a misdemeanor, and shall thereby incur a penalty of five hundred dollars.

Penalty for
affixing
stamps
already used.

14. The penalties hereinbefore imposed shall be incurred in respect of each such promissory note, draft or bill of exchange, on which the duty or double duty hereby imposed is not paid as afore- said, or to which a stamp previously used has been fraudulently affixed, whatever be the number of such instruments executed, accepted, paid or delivered, or offences committed on the same day; and a separate penalty to the full amount shall be incurred by each person committing such offence, whatever be the number of such persons.

Penalty in-
curred on each
instrument,
though several
be made on the
same day, &c.

15. The penalties imposed by the foregoing sections of this Act, shall be recoverable in the manner prescribed by the Interpretation Act in cases where penalties are imposed and the recovery is not otherwise provided for.

Recovery of
penalties.

16. If any person forges, counterfeits or imitates or procures to be forged, counterfeited or imitated, any stamp or stamped paper, issued or authorized to be used for the purposes of this Act, or by means whereof any duty hereby imposed may be paid, or any part or portion of any such stamp,—or knowingly uses, offers, sells or exposes to sale, any such forged, counterfeited or imitated stamp,—or engraves, cuts, sinks or makes any plate, die or other thing whereby to make or imitate such stamp or any part or portion thereof, except by permission of the Minister of Inland Revenue, or some officer or person who, under an Order in Council in that behalf, may lawfully grant such permission,—or has possession of any such plate, die or other thing, without such permission,—or without such permission, uses or has possession of any such plate, die or thing lawfully engraved, cut or made,—or tears off or removes from any instrument, on which a duty is payable under this Act, any stamp by which such duty has been wholly or in part paid,—or removes from any such stamp any writing or mark indicating that it has been used for or towards the payment of any such duty,—such person shall be guilty of felony, and shall on conviction be liable to be imprisoned in the Penitentiary for any term not exceeding twenty-one years; and every such offence in the Province of Quebec or in the Province of Ontario, shall be forgery within the meaning and purview of chapter ninety-four of the Consolidated

Punishment
for forging
stamps, or
making or
having
instruments
for forging.

Offences to be
within the
lands relative
to forgery.

Statutes

Statutes of Canada, intituled *An Act respecting Forgery*, and all the provisions of that Act shall apply to every such offence, and to principals in the second degree and accessories, as if such offence were expressly mentioned in the said Act, and in any other of the Provinces composing the Dominion of Canada every such offence shall be forgery and punishable in the manner in which that crime is punishable by the laws of the Province in which the offence is committed.

Duties to be
within the
Revenue Act.

17. The duties imposed by this Act shall be duties within the meaning and purview of the Act passed in the present Session intituled *An Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the Liability of Public Accountants*, and the proceeds of the said duties shall form part of the Consolidated Revenue Fund of this Province.

No duty under
certain Cana-
dian Acts, on
notes, &c.
made, &c.,
on or after
1st February,
1868.

18. No duty shall be payable under the Act of the Legislature of the late Province of Canada, passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter four, or under the Act of the said Legislature, passed in the twenty-ninth year of Her Majesty's reign, chapter four, on any promissory note, draft or bill of exchange made, drawn or accepted, upon or after the said first day of February, one thousand eight hundred and sixty-eight, but to all promissory notes, drafts or bills of exchange made, drawn or accepted in the late Province of Canada, or in the Provinces of Quebec or Ontario, before the said day, and to all offences committed and penalties incurred in respect thereof, the said Acts shall continue to apply.

Ac's to apply
to notes, &c.
made before
that day.

CAP. XIII.

An Act to amend the Act imposing Duties on Promissory Notes and Bills of Exchange.*

[Assented to 12th May, 1870.]

Preamble.

WHEREAS, it is expedient to repeal Sections Eleven and Twelve of the Act passed in the thirty-first year of Her Majesty's reign, chapter nine; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

*Amended by 37 Vict., cap. 47, (page 59.)

1. The said sections are hereby repealed, and the following sections substituted therefor:

Sections 11
and 12
repealed.

"11. If any person in Canada makes, draws, accepts, indorse, signs, becomes a party to, or pays any Promissory Note, Draft, or Bill of Exchange, chargeable with duty under this Act, before the duty (or double duty, as the case may be) has been paid, by affixing thereto the proper stamp or stamps, such person shall thereby incur a penalty of one hundred dollars, and, save only in the case of payment of double duty, as in the next section provided, such instrument shall be invalid and of no effect in law or in equity, and the acceptance, or payment, or protest thereof, shall be of no effect; and in suing for any such penalty, the fact that no part of the signature of the party charged with neglecting to affix the proper stamp or stamps, is written over the stamp or stamps affixed to any such instrument, or that no date, or a date that does not correspond with the time when the duty ought to have been paid, is written or marked on the stamp or stamps, shall be *prima facie* evidence that such party did not affix it or them, as required by this Act: But no party to, or holder of any such instrument, shall incur any penalty by reason of the duty thereon not having been paid at the proper time, and by the proper party or parties, provided at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge that they were not affixed at the proper time and by the proper party or parties, and that he pays the double or additional duty as in the next section provided, as soon as he acquires such knowledge."

Penalty for
not affixing
the proper
stamps at the
proper time.

Presumption
in suits for
penalty.

Exception in
favor of inno-
cent parties.

"12. *Any subsequent party to such instrument, or person paying the same, or any holder without becoming a party thereto, may pay double duty by affixing to such instrument a stamp or stamps to the amount thereof, or to the amount of double the sum by which the stamps affixed fall short of the proper duty, and by writing his signature, or part thereof, or his initials, or the proper date, on such stamp or stamps, in the manner and for the purposes mentioned in the Fourth Section of this Act; and when upon the trial of any issue, or on any legal inquiry, the validity of any Promissory Note, Draft or Bill of Exchange is questioned by reason of the proper duty thereon not having been paid, or not having been paid by the proper party, or at the proper time, and it appears that the holder thereof, when he became holder, had no knowledge that the proper duty had not been paid by the proper party, or at the proper time, such instrument

Conditions on
which an
innocent party
shall become
exempt from
penalty or
forfeiture.

*Repealed, and another section substituted therefor by 37 Vict., cap. 47, sec. 2 (see p. 88).

If part of the
duty was not
paid through
inadvertence,
&c.

ment shall, nevertheless, be held to be legal and valid, if it shall appear that the holder thereof paid double duty as in this section mentioned, so soon as such holder acquired such knowledge, or if the holder thereof, acquiring such knowledge at the trial or inquiry, do thereupon forthwith pay such double duty; or if the validity of such Promissory Note, Draft or Bill of Exchange is questioned by reason of a part only of the requisite duty thereon having been paid at the proper time or by the proper party, and it appears to the satisfaction of the Court or Judge, as the case may be, that it was through mere inadvertence or mistake, and without any intention to violate the law on the part of the holder, that the whole amount of duty, or double duty, as the case may be, was not paid at the proper time, or by the proper party, such instrument, and any endorsement or transfer thereof, shall, nevertheless, be held legal and valid, if the holder shall, before action brought, have paid double duty thereon, as in this section mentioned, as soon as he reasonably could, after having become aware of such error or mistake; but no party, who ought to have paid duty thereon, shall be released from the penalty by him incurred as aforesaid."

Pending suits
excepted.

2. This Act shall not apply to any suit pending when it comes into force.

CAP. X.

An Act relating to Bills of Exchange and Promissory Notes.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS doubts exist as to the time of the maturity of a Bill of Exchange or Promissory Note payable at a month or months after date, and it is desirable to set such doubts at rest: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada declares and enacts as follows:—

When such
Notes shall
mature.

1. Every Bill of Exchange or Promissory Note which is made payable at a month, or months, from and after the date thereof, becomes due and payable on the same numbered day of the month in which it is made payable, as the day on which it is dated, unless there is no such day in the month in which it is made payable, and in such case it becomes due and payable on the last day of that month, with the addition in all cases of the days of grace allowed by law.

CHAP.

CHAP. 47.

An Act to amend the Law relating to Bills of Exchange and Promissory Notes, and the Stamps thereon.

[Assented to 26th May, 1874.]

WHEREAS it is desirable that the law relating to Bills of Preamble.
Exchange and Promissory Notes should be amended in the
particulars in this Act mentioned: Therefore Her Majesty, by and
with the advice and consent of the Senate and House of Commons
of Canada, enacts as follows:—

1. Notice of the protest or dishonor of any bill of exchange or Notice of pro-
test, &c., of
bill or note,
when held to
be sufficiently
given.
promissory note payable in Canada, shall be sufficiently given, if
addressed, in due time, to any party to such bill or note, entitled to
such notice, at the place at which such bill or note is dated unless
any such party has, under his signature, on such bill or note,
designated another place, when such notice shall be sufficiently
given, if addressed to him, in due time, at such other place; and
such notice so addressed shall be sufficient, although the place of
residence of such party be other than either of such before men-
tioned places.

2. Section twelve substituted by the Act passed in the thirty- Section 12 of
33 V., c. 13
repealed.
third year of Her Majesty's reign, chapter thirteen, for section
twelve of the Act passed in the thirty-first year of Her Majesty's
reign, chapter nine, shall be and is hereby repealed, and the follow-
ing section is substituted for the said section so repealed:—

“12. Any holder of such instrument may pay double duty by New section
substituted.
affixing to such instrument a stamp or stamps to the amount thereof,
or to the amount of double the sum by which the stamps affixed
fall short of the proper duty, and by writing his initials on such
stamp or stamps, and the date on which they were affixed; and where
in any suit or proceeding in law or equity, the validity of any such
instrument is questioned by reason of the proper duty thereon not
having been paid at all, or not paid by the proper party, or at the
proper time, or of any formality as to the date or erasure of the
stamps affixed having been omitted, or a wrong date placed there-
on, and it appears that the holder thereof, when he became such
holder, had no knowledge of such defects, such instrument shall be
held to be legal and valid, if it shall appear that the holder thereof
paid double duty, as in this section mentioned, so soon as he acquired
such knowledge, even although such knowledge shall have been ac-
quired only during such suit or proceeding; and if it shall appear
in

Innocent
holder of un-
stamped or
insufficiently
stamped note,
&c., may make
it valid by
payment of
double duty,
&c.

in any such suit or proceeding to the satisfaction of the court or judge, as the case may be, that it was through mere error or mistake, and without any intention to violate the law on the part of the holder, that any such defect as aforesaid existed in relation to such instrument, then such instrument, or any endorsement or transfer thereof, shall be held legal and valid, if the holder shall pay the double duty thereon as soon as he is aware of such error or mistake; but no party who ought to have paid duty thereon shall be released from the penalty by him incurred as aforesaid."

Penalty and forfeiture on bank or broker making, buying or taking, &c., note not duly stamped after 1st Aug., 1874.

3. Notwithstanding anything in the Acts before mentioned or in this Act, from and after the first day of August next, after the passing of this Act, any bank or any broker who makes, draws or issues or negotiates, presents for payment, or pays, or takes, or receives, or becomes the holder of any instrument not duly stamped, either as a deposit, or in payment, or as a security, or for collection or otherwise, knowing the same not to be duly stamped, and who does not immediately on making, drawing, issuing, negotiating or presenting for payment, or paying, or taking or receiving, or becoming the holder of such instrument, affix thereto and cancel the proper stamps within the meaning of the Act thirty-first Victoria, chapter nine, shall incur a penalty of five hundred dollars for every such offence; and shall not be entitled to recover on such instrument, or to make the same available for any purpose whatever, and any such instrument shall be invalid and of no effect in law or equity.

31 V. c. 9.

No Dominion stamps required on bill of exchange drawn and payable outside the Dominion.

4. Notwithstanding anything in the Acts before mentioned or in this Act contained, no bill of exchange drawn and payable outside of the Dominion of Canada shall be invalid, nor shall the maker or any owner or holder of any such bill be subject to any penalty in consequence of no stamp or stamps of this Dominion being affixed to such bill.

Interpretation.

5. In this Act the word "Bank" means and includes any chartered bank, and any banking institution, and any branch or agency thereof.

The word "Broker" means and includes any broker or person by repute doing the business of brokerage.

The word "Instrument" means and includes any promissory note, bill of exchange, or part thereof, draft or order, upon which a duty is payable under the Act thirty-first Victoria, chapter nine.

Commencement of Act.

6. This Act shall only go into force from and after the first day of August next.

CHAP.

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CHAP.

1875.

Bills and Notes.

Chap. 19.

85

CHAP. 19.

An Act to amend the Law relating to Bills of Exchange.

[Assented to 8th April, 1875.]

WHEREAS it is desirable that the law relating to damages on Bills of Exchange shall be uniform throughout the Dominion; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the first day of July next after the passing of this Act, no damages shall be recoverable in any action, suit or proceeding, either at law or in equity, brought in any Province of the Dominion, upon any Bill of Exchange, drawn upon any person at any place in the Dominion or in the Island of Newfoundland against any party thereto, except for the amount for which such Bill of Exchange is drawn, and for such further amounts as arise from the noting and protest of such Bill of Exchange, and interest thereon, and exchange and re-exchange thereon.

No damages
on bills pay-
able in
Canada or
Newfound-
land.

2. From and after the first day of July next after the passing of this Act, no damages shall be recoverable in any action, suit or proceeding, either at law or in equity, brought in any Province of the Dominion, upon any Bill of Exchange drawn upon any person at any place not being in the Dominion nor in the Island of Newfoundland against any party thereto, except for the amount for which such Bill of Exchange is drawn and for two and one-half per cent. thereon, and for such further amounts as arise from the noting and protest of such Bill of Exchange and interest thereon, and exchange and re-exchange thereon.

Damages on
bills payable
elsewhere
limited.

3. This Act shall not apply to any suit or action pending when it comes into force.

Pending suits
excepted.

CRIMINAL

CRIMINAL LAW.

Extracts from an Act respecting Forgery, 32 and 33
Vict. (1869), Cap. 19.

As to forging bank notes.

Forging bank
notes, bills,
&c.

15. Whosoever forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any note or bill of exchange of any body corporate, company or person carrying on the business of bankers, commonly called a bank note, a bank bill of exchange, or a bank post bill, or any endorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement.

Purchasing or
receiving or
having forged
bank notes,
&c.

16. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), purchases or receives from any other person, or has in his custody or possession any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor.

As to making paper and engraving plates, &c., for bank notes, &c.

Making or
having moulds
for making
paper with
words used
for Dominion
notes, bank
notes, &c., or
selling such
paper.

17. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), makes or uses, or knowingly has in his custody or possession, any frame, mould or instrument for the making of paper used for Dominion or Provincial notes, or for bank notes with any words used in such notes, or any part of such words intended to resemble or pass for the same, visible in the substance of the paper, or for the making of paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in letters, visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used for such notes, respectively, or makes, uses, sells, exposes to sale, utters or disposes of, or knowingly has in his

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his custody or possession any paper whatsoever with any words used in such notes, or any part of such words, intended to resemble and pass for the same, visible in the substance of the paper, or any paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in letters, appearing visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used for any such notes respectively, or by any art or contrivance causes any such words or any part of such words, intended to resemble and pass for the same, or any device or distinction peculiar to and appearing in the substance of the paper used for any such notes, respectively, to appear visible in the substance of any paper, or causes the numerical sum or amount of any such note, in a word or words in letters, to appear visible in the substance of the paper, whereon the same is written or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor.

18. Nothing in the last preceding section contained shall prevent any person from issuing any bill of exchange or promissory note having the amount thereof expressed in a numerical figure or figures denoting the amount thereof in pounds or dollars, appearing visible in the substance of the paper upon which the same is written or printed, nor shall prevent any person from making, using or selling any paper having waving or curved lines, or any other devices in the nature of watermarks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not so contrived as to form the groundwork or texture of the paper, or to resemble the waving or curved laying wire lines, or bar lines, or the watermarks of the paper used for Dominion notes or Provincial notes, or bank notes, as aforesaid.

Proviso as to
paper used for
bills of ex-
change, &c.

19. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), engraves, or in anywise makes upon any plate whatsoever, or upon any wood, stone, or other material, any promissory note, or part of a promissory note, purporting to be a Dominion or Provincial note or bank note, or to be a blank Dominion or Provincial note or bank note, or to be a part of any Dominion or Provincial note or bank note as aforesaid, or any name, word or character, resembling, or apparently intended to resemble, any subscription to any such Dominion or Provincial note or bank note, as aforesaid, or use any such plate, wood, stone or other material,

Engraving or
having any
plate, &c., for
making
Dominion or
Provincial
notes or notes
of any bank, or
having such
plate, or utter-
ing or having
paper upon
which a blank
bank note, &c.,
may be
printed.

material, or any other instrument or device for the making or printing of any such note, or part of such note, or knowingly has in his custody or possession any such plate, wood, stone, or other material, or any such instrument or device, or knowingly offers, utters, disposes of, or puts off, or has in his custody or possession any paper upon which any blank Dominion or Provincial note or Bank note, or part of any such note, or any name, word or character resembling, or apparently intended to resemble, any such subscription, is made or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Engraving on a plate, &c., any word, number, or device, resembling part of a Dominion or Provincial or bank note, or using or having any such plate, &c., or uttering or having any paper on which any such word, &c., is impressed.

20. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), engraves or in anywise makes upon any plate whatsoever, or upon any wood, stone, or other material, any word, number, figure, device, character or ornament, the impression taken from which resembles, or is apparently intended to resemble any part of a Dominion or Provincial note or bank note, or uses, or knowingly has in his custody or possession any such plate, wood, stone, or other material, or any other instrument or device for the impressing or making upon any paper or other material, any word, number, figure, character or ornament, which resembles, or is apparently intended to resemble any part of any such note, as aforesaid, or offers, utters, disposes of or puts off, or has in his custody or possession any paper or other material upon which there is an impression of any such matter aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Making or having mould for making paper with the name of any bank, or having such paper.

21. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), makes or uses any frame, mould, or instrument for the manufacture of paper with the name or firm of any bank or body corporate, company or person carrying on the business of bankers appearing visible, in the substance of the paper, or knowingly has in his custody or possession, any such frame, mould or instrument, or makes, uses, sells, or exposes to sale, utters or disposes of, or knowingly has in his custody or possession, any paper in the substance of which the name or firm of any such bank, body corporate, company or person appears visible, or by any art or contrivance causes the name or firm of any such bank, body

corporate,

corporate, company, or person to appear visible in the substance of the paper upon which the same is written or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

22. Whosoever forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any bill of exchange, promissory note, undertaking or order for payment of money, in whatever language or languages the same may be expressed, and whether the same is or is not under seal, purporting to be the bill, note, undertaking or order of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate or body of the like nature constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country not under the dominion of Her Majesty, or whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), engraves or in anywise makes upon any plate whatever, or upon any wood, stone or other material, any bill of exchange, promissory note, undertaking, or order for payment of money, or any part of any bill of exchange, promissory note, undertaking or order for payment of money, in whatsoever language the same may be expressed, and whether the same is or is not, or is or is not intended to be, under seal, purporting to be the bill, note, undertaking or order, or part of the bill, note, undertaking or order of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate, or body of the like nature, constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country not under the Dominion of Her Majesty, or uses or knowingly has in his custody or possession any plate, stone, wood, or other material, upon which any such foreign bill, note, undertaking, or order, or any part thereof, is engraved or made, or knowingly offers, utters, disposes of, or puts off, or has in his custody or possession, any paper upon which any part of such foreign bill, note, undertaking or order is made, or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement.

Engraving plates for foreign bills or notes, or using or having such plates, or uttering paper on which any part of such bill or note is printed.

Extracts from an Act respecting Larceny and other similar offences. 32-33 Vic. (1869), Cap. 21.

As to frauds by agents, bankers, or factors.

Agent, banker, &c., embezzling money or selling securities, &c., intrusted to him.

Or goods, &c., intrusted to him for safe custody.

Punishment.

Not to apply to trustees or mortgagees.

76. Whosoever, having been intrusted, either solely, or jointly with any other person, as a banker, merchant, attorney or other agent, with any money or payment for the security of money, with any direction in writing, to apply, pay or deliver such money or security or any part thereof respectively, or the proceeds, or any part of the proceeds of such security for any purpose, or to any person specified in such direction, in violation of good faith, and contrary to the terms of such direction, in anywise converts to his own use or benefit, or the use or benefit of any person other than the person by whom he has been so intrusted, such money, security, or proceeds, or any part thereof respectively, and whosoever having been intrusted, either solely or jointly with any other person, as a banker, merchant, broker, attorney, or other agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of the United Kingdom, or any part thereof, or of this Dominion of Canada, or any province thereof, or of any British colony or possession, or of any foreign state, or in any stock or fund of any body corporate, company or society, for safe custody or for any special purpose without any authority to sell, negotiate, transfer or pledge, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney has been intrusted to him, sells, negotiates, transfers, pledges, or in any manner converts to his own use or benefit, or the use or benefit of any person other than the person by whom he has been so intrusted, such chattel, or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney relates, or any part thereof, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement; but nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatsoever, or any mortgagee of any property, real or personal, in respect to any Act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney

attorney or other agent from receiving any money due or to become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession, upon which he has any lien, claim, or demand, entitling him by law so to do, unless such sale, transfer or other disposal extends to a greater number or part of such securities or effects than are requisite for satisfying such lien, claim or demand.

Nor to bankers, &c., receiving money due on securities;

Or disposing of securities on which they have a lien.

77. Whosoever, being a banker, merchant, broker, attorney, or agent, and being intrusted, either solely, or jointly with any other person, with the property of any other person for safe custody, with intent to defraud, sells, negotiates, transfers, pledges, or in any other manner converts or appropriates the same or part thereof, to or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

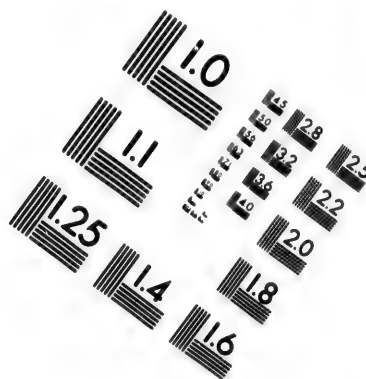
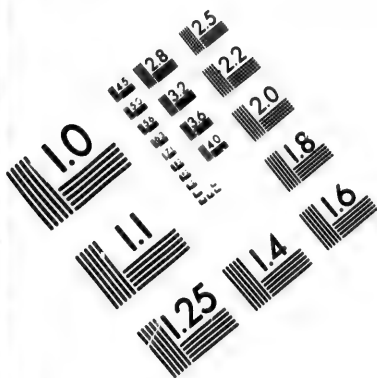
Bankers, &c., fraudulently selling, &c., property intrusted to their care.

78. Whosoever, being intrusted, either solely or jointly with any other person, with any power of attorney, for the sale or transfer of any property, fraudulently sells or transfers, or otherwise converts the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

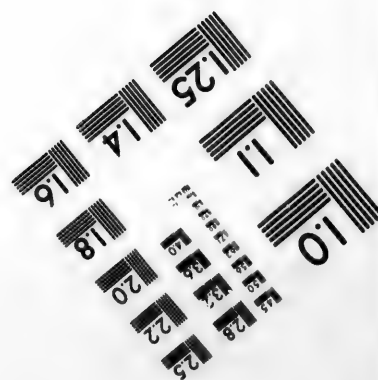
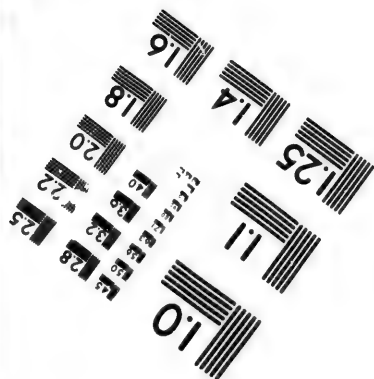
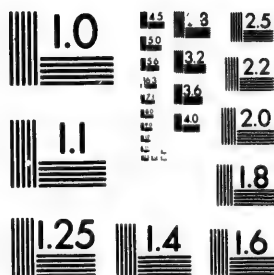
Persons under powers of attorney fraudulently selling property.

79. Whosoever, being a factor or agent intrusted, either solely or jointly with any other person, for the purpose of sale or otherwise, with the possession of any goods, or of any document of title to goods, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, makes any consignment, deposit, transfer or delivery of any goods or document of title so intrusted to him as in this section before mentioned, as and by way of a pledge, lien or security for any money or valuable security, borrowed or received by such factor or agent at or before the time of making such consignment, deposit, transfer or delivery, or intended to be thereafter borrowed or received, or contrary to, or without such authority, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith,

Factors obtaining advances on the property of their principals.



**IMAGE EVALUATION
TEST TARGET (MT-3)**



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faith, accepts any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer or delivery of any such goods or document of title, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned; and every clerk or other person who knowingly and wilfully acts and assists in making any such consignment, deposit, transfer or delivery, or in accepting or procuring such advance as aforesaid, is guilty of a misdemeanor, and shall be liable to any of the same punishments; **Clerks wilfully assisting.**

Provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods or documents of title, in case the same are not made a security for, or subject to the payment of any greater sum of money than the amount, which at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal, and accepted by such factor or agent. **Proviso, as to cases excepted when the pledge does not exceed the amount of their lien.**

Definitions of terms:

"Intrusted."

"Pledge."

"Possessed."

"Loan or advance."

"Contract or agreement."

80. Any factor or agent intrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods, or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid, shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such factor or agent shall be deemed to be possessed of such goods or document, whether the same are in his actual custody or held by any other person subject to his control, or for him, or on his behalf; and where any loan or advance is *bonâ fide* made to any factor or agent intrusted with and in possession of any such goods or document of title, on the faith of any contract or agreement in writing to consign, deposit, transfer or deliver such goods or document of title, and such goods or document of title is or are actually received by the person making such loan or advance, without notice that such factor or agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title, within the meaning of the last preceding section, though such goods or document of title are not actually received by the person making such loan or advance till a period subsequent thereto; and any contract or agreement whether made direct with such

such factor or agent, or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent; and any payment made, whether by money or bill of exchange or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section; and a factor or agent in possession, as aforesaid, of such goods or document, shall be taken for the purpose of the last preceding section, to have been intrusted therewith by the owner thereof, unless the contrary be shown in evidence.

"Advance."

Possession to be evidence of intrusting.

81. Whosoever, being a trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, with intent to defraud, converts or appropriates the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid or otherwise disposes of or destroys such property or any part thereof, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned; Provided that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of the Attorney General, or Solicitor General for that Province in which the same is to be instituted; Provided also, that when any civil proceeding has been taken against any person to whom the provisions of this section may apply, no person who has taken such civil proceeding shall commence any prosecution under this section without the sanction of the Court or Judge before whom such civil proceeding has been had or is pending.

Trustees fraudulently disposing of property guilty of a misdemeanor.

No prosecution shall be commenced without the sanction of some judge or the Attorney General.

82. Whosoever, being a director, member, manager or public officer of any body corporate or public company, fraudulently takes or applies for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Directors, &c., of any body corporate or public company fraudulently appropriating property.

83. Whosoever, being a director, member, or manager or public officer of any body corporate or public company, as such receives or possesses himself of any of the property of such body corporate or public company, otherwise than in payment of a just debt or demand, and with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books and accounts of such body corporate or public company, is guilty of a misdemeanor,

Or fraudulently keeping false accounts, or books.

misdeemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Or wilfully
destroying or
falsifying
books or
papers, &c.

84. Whosoever, being a director, manager, public officer or member of any body corporate or public company, with intent to defraud, destroy, alters, mutilates or falsifies any book, paper, writing or valuable security belonging to the body corporate or public company, or makes or concurs in the making of any false entry, or omits, or concurs in omitting any material particular in any book of account or document, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Or fraudulent-
ly publishing
false state-
ments or
accounts.

85. Whosoever, being a director, manager, or public officer or member of any body corporate, or public company, makes, circulates, or publishes, or concurs in making, circulating or publishing any written statement or account which he knows to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

No person to
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from answer-
ing questions
in any court;
but no person
making a dis-
closure in any
compulsory
proceeding to
be liable to
prosecution.

86. Nothing in any of the last ten preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any Court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanors in the said sections mentioned by any evidence whatever, in respect of any act done by him, if, at any time previously to his being charged with such offence, he has first disclosed such act on oath, in consequence of any compulsory process of any Court of law or equity, in any action, suit or proceeding, *bonâ fide* instituted by any party aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any Court, upon the hearing of any matter in bankruptcy or insolvency.

No remedy at
law or in
equity to be
affected.

87. Nothing in the last eleven preceding sections of this Act contained, nor any proceeding, conviction or judgment to be had or taken thereon against any person under any of the said sections shall prevent, lessen, or impeach any remedy at law or in equity, which

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which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing in the said sections contained shall affect or prejudice any agreement entered into, or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

Convictions
not to be
received in
evidence in
civil suits.

88. If the keeper of any warehouse, or any forwarder, common carrier, agent, clerk, or other person employed in or about any warehouse, or if any other factor or agent, or any clerk or other person employed in or about the business of such factor or agent, knowingly and wilfully gives to any person a writing purporting to be a receipt for, or an acknowledgment of any goods or other property as having been received in his warehouse, or in the warehouse in or about which he is employed, or in any other manner received by him or by the person in or about whose business he is employed, before the goods or other property named in such receipt or acknowledgment have been actually delivered to him as aforesaid, with intent to mislead, deceive, injure or defraud any person or persons whomsoever, although such person or persons may be then unknown,—or if any person knowingly and wilfully accepts or transmits or uses any such false receipt or acknowledgment, the person giving and the person accepting, transmitting or using such receipt or acknowledgment, are severally guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years but not less than one year.

Keepers of
warehouses,
&c., giving
false receipts.

Persons know-
ingly using
false receipts.

89. If any merchandise has, in the name of the owner or of any other person, been shipped or delivered to the keeper of any warehouse or to any other factor, agent or carrier, to be shipped or carried, and the consignee afterwards advances any moneys or gives any negotiable security to such owner or other person, then, if after any such advance the said owner or other person for his own benefit and in violation of good faith, and without the consent of such consignee first had and obtained, makes any disposition of such merchandise different from and inconsistent with the agreement made in that behalf between such owner or other person aforesaid and such consignee at the time of or before such money being so advanced or such negotiable security being so given, with the intent to deceive, defraud or injure such consignee, the owner or other person aforesaid, and each and every other person knowingly and wilfully acting and assisting in making such disposition for the purpose

Owners selling
after advance
by consignees.

purpose of deceiving, defrauding or injuring such consignee, is or are guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years but not less than one year; but no person shall be subject to prosecution under this section, who had, before making a disposition of the merchandise aforesaid, paid or tendered to the consignee the full amount of any advance made thereon.

Proviso: if consignee's advances be paid.

Millers, factors, &c., giving receipts for goods, and not delivering the same accordingly.

90. Any miller, warehouseman, factor, agent, or other person, who, after having given, or after any clerk or person in his employ has to his knowledge given, as having been received by him, in any mill, warehouse, vessel, cove, or other place, any receipt, certificate or acknowledgment, for grain, timber, or other goods or property, which can be used for any of the purposes mentioned in the Act passed in the thirty-first year of Her Majesty's reign, and intitled "An Act respecting Banks," or any person, who, after having obtained any such receipt, certificate, or acknowledgment, and after having endorsed or assigned it to any bank, or person, afterwards and without the consent of the holder, or endorsee in writing, or the production and delivery of the receipt, certificate, or acknowledgment, wilfully alienates, or parts with, or does not deliver to such holder, or endorsee, of such receipt, certificate, or acknowledgment, the grain, timber, goods, or property therein mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, or in any other gaol or place of confinement for any term less than two years, but not less than one year; Provided that nothing in this section shall prevent the offender from being indicted and punished for larceny, instead of misdemeanor, if, as being a bailee, his offence amounts to larceny.

Proviso.

As to partners.

91. If any offence in the last three preceding sections mentioned be committed by the doing of any thing in the name of any firm, company or copartnership of persons, the person by whom such thing is actually done, or who connives at the doing thereof, shall be deemed guilty of the offence, and not any other person.

Certain misdemeanors not triable at Sessions.

92. No misdemeanor against any of the sixteen last preceding sections of this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace; and if upon the trial of any person under any of the said sections, it appears that the offence proved amounts to larceny, he shall not by reason thereof be entitled to be acquitted of a misdemeanor under the said sections.

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LIST OF STATUTES PASSED SINCE CONFEDERATION AFFECTING OR CREATING BANK CHARTERS.

* Figures marked with a star refer to 2nd volumes of the Statutes.

	YEAR.	VIC.	CAP.
Albion Mines Savings Bank, Act respecting	1874	37	64
Bank of Acadia, incorporated	1872	35	55
" Agriculture, "	1868	31	85
" Hamilton, "	1872	35	53
" Liverpool, "	1871	34	42
" Manitoba, "	1872	35	60
" Manitoba, Charter amended	1874	37	62
" New Brunswick, "	1869	32-33	57
" Nova Scotia, reduction of Capital	1871	34	"
" Nova Scotia, Act respecting	1874	37	59
" Ottawa, incorporated	1874	37	56
" St. John, "	1872	35	56
" Toronto, Charter amended	1869	32-33	52
" The United Provinces—see London and Canada	1875*	38	60
" Upper Canada, Act for settlement of affairs of	1867	31	17
" Upper Canada, Act concerning	1870	33	40
" Upper Canada, Act for settling affairs of, amended	# 1871	34	8
Banque d'Hochelaga, incorporated	1873	36	13
" d'Hochelaga, Charter amended	1874	37	58
" de St. Hyacinthe, incorporated	1873	36	77
" du Peuple, Act concerning	1870	33	41
" de St. Jean, incorporated	1873	36	51
" de St. Jean-Baptiste, "	1875	38	59
" " Act amended,	1876*	39	41
" Ville Marie, incorporated	1872	35	51
Bedford District Bank	1871	34	40
Canadian Bank of Commerce, Act respecting	1869	32-33	56
" " and Gore Bank, Amalgamation of	1870	33	42
Central Bank of New Brunswick, Act relating to	1872	35	57
" of Canada, incorporated	1873	36	78
Chartered Bank of London and North America, incorporated	1876*	39	40
City Bank, Charter amended	1869	32-33	51
" and Royal Canadian Bank, amalgamated	1876*	39	44
Commercial Bank of Canada, Act respecting	1867	31	18
" " and Merchants Bank, Amalgamation			
of confirmed	1868	31	84
Bank of New Brunswick, Act relating to	1871	34	38
Consolidated Bank of Canada, incorporated	1876*	39	44
Dominion Bank, incorporated	1869	32-33	60
Exchange Bank of Canada, incorporated	1872	35	50
Federal Bank of Canada, name of Superior Bank changed to	1873	36	76
" " Act respecting	1874	37	57
Gore Bank, Charter amended	1869	32-33	54*
" Amalgamation of, with Canadian Bank of Commerce	1870	33	42
Halifax Banking Company, incorporated	1872	35	54
Imperial Bank, incorporated	1873	36	74
" Charter amended	1874	37	61
" Amalgamation with Niagara District Bank	1875*	38	61

	YEAR.	VIC.	CAP.
London and Canada Bank, incorporated	1874	37	55
" name changed to Bank of the United Pro-			
vinces	1875*	38	60
London and Canada Bank, Act amended	1876*	39	43
Manufacturers' Bank of Canada, (formerly Victoria Bank)	1874	37	60
Maritime Bank of the Dominion of Canada, incorporated	1872	25	58
Mechanics Bank, Act respecting	1876*	39	42
Merchants Bank and Commercial Bank, Amalgamation of confirmed	1868	31	84
Merchants Bank of Halifax, incorporated	1869	32-33	59
" Act incorporating amended	1870	33	43
Metropolitan Bank, incorporated	1871	34	39
Niagara District Bank, Acts relating to amended	1868	31	83
" Amalgamation with Imperial Bank of Canada.	1875	38	61
Ontario Bank, Charter amended	1869	32-33	53
" Act to amend and explain the Charter of	1871	34	37
" Charter amended	1874	37	63
Pictou Bank, incorporated	1873	36	76
Quebec Bank, Charter amended	1869	32-33	50
Royal Canadian Bank, Charter amended, provision made for amalga-			
mation with another Bank, or for winding up	1869	32-33	58
Royal Canadian Bank and City Bank, amalgamated	1876*	39	44
Stadacona Bank, incorporated	1873	36	73
St. Lawrence Bank, incorporated	1872	35	52
" name changed	1876*	39	45
Standard Bank (formerly St. Lawrence Bank), Act respecting	1876*	39	45
Superior Bank of Canada, incorporated	1872	35	59
" name changed	1873	36	79
Three Rivers Bank, incorporated	1873	36	14
Toronto Savings Bank, Act respecting	1872	35	61
Union Bank of Lower Canada, Charter amended	1869	32-33	55
Victoria Bank of Canada, incorporated	1873	36	75
" name changed to Manufacturers Bank of			
Canada	1874	37	60
Western Bank, incorporated	1871	34	41

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39	43					
37	60					
25	58					
39	42					
31	84					
32-33	59	An Act to enable Banks in any part of Canada to use notes of the Dominion instead of using notes of their own				
33	43	An Act to remove certain restrictions with respect to the issue of Bank Notes in Nova Scotia		1868	31	46
34	39					
31	83	An Act relating to Banks and Banking	8	1870	33	12
38	61	An Act further to amend the Act relating to Banks and Banking	9	1871	34	5
32-33	53	An Act to amend the Act relating to Banks and Banking	36	1872	35	8
34	37	An Act to amend the Act therein mentioned respecting Banks and Banking	46	1873	36	43
37	63					
36	76	An Act to make provision for the winding up of Insolvent Incorporated Banks	42	1875	38	17
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			43	1876	39	31

SAVINGS BANKS.

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An Act to provide additional facilities for depositing Savings at interest, with the security of the Government, and for the issue and redemption of Dominion Notes	45	1871	34	6
An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec	52	1871	34	7
An Act to amend the Chapters six and seven of the Statutes of 1871, relating to Savings Banks	68	1872	35	9
An Act to amend the Act respecting certain Savings Banks in the Provinces of Ontario and Quebec	69	1873	36	72

INTEREST AND USURY IN NEW BRUNSWICK AND NOVA SCOTIA.

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An Act respecting Interest and Usury in the Province of Nova Scotia	72	1873	36	71
An Act relating to interest and Usury in the Province of New Brunswick	73	1875	38	18

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